

Michigan's Conservation District Director's Handbook

Revised 2003

Prepared by:
Michigan Department of Agriculture -
Environmental Stewardship Division
and
Michigan Association of Conservation Districts

District Director Information

This manual belongs to the _____ Conservation District, and is
for the personal use of: _____

Home address: _____

Phone: _____

Business address: _____

Phone: _____

My term expires: _____

Important phone numbers:

- District office: _____

- District Board Members:

Name: _____	Phone: _____
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Name: _____	Phone: _____
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Name: _____	Phone: _____
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Name: _____	Phone: _____
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Name: _____	Phone: _____
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- Michigan Association of Conservation Districts: **231-876-0328**

- Michigan Department of Agriculture-Environmental Stewardship
Division: **517-241-0236**

PREFACE

The information presented in this Handbook is designed to help you better understand your role as a District director, and assist you to be more effective in the development and implementation of Conservation District programs. Answers to many questions, which arise in regard to Conservation Districts, their programs, powers, responsibilities and operation, will be found here. Please note that this reference is a very basic resource of information on being a District director. Specific details on how to carry out District programs are contained in the Conservation District Operations Handbook that can be found in every District office.

Your responsibilities as a District director can be as limited or expansive as you wish to make them. The fate and future, however, of the Conservation District is tied directly to the degree of your involvement, courage, and passion. And it is dependent on the actions you take as the elected public official vested with the governance of the District.

The powers and responsibilities of a Conservation District are broad. By reading the sections covering Powers, Duties and Legal Responsibilities you will gain good insight to the things Conservation Districts can, should, and must do.

Planning is a high priority for District directors, although some directors would like to focus more on implementing the plan. Your staff will be the ones who get things done. But it is your job to assure the right things are getting done. As a director you are the visionary with an eye constantly on the future; framing the decisions you make today to reach your goals for the district in the future. You serve as the District's compass keeping it on track toward meaningful and successful programs.

As a District director, you may also have questions concerning your role in the various phases of District programs. The information presented here is designed to assist you to better understand your role and help you to be the most effective director you can be!

District Director's List of Required Reading

There are several documents on file in the District office, which you should read and ask questions about. Your Administrator/Executive Director will be able to provide you with a copy of the following:

- ▶ □ Conservation District Annual Plan of Work /Annual Operating Agreement
- ▶ □ Conservation District Long Range Plan
- ▶ □ Employee Work Policies
- ▶ □ Employee Working Agreements
- ▶ □ Employee Job Descriptions
- ▶ □ Board meeting minutes for the last 2 board meetings
- ▶ □ Conservation District Budget
- ▶ □ Conservation District Operational Policies
- ▶ □ Memorandums of Understanding
- ▶ □ Grant Agreements

In addition to reading the above documents, directors should talk with the following on a regular basis:

- ▶ ☐ Conservation District Employees
- ▶ ☐ Natural Resource Conservation Service Staff
- ▶ ☐ County Commissioners
- ▶ ☐ Other Public Officials - County ,Township & Municipal
- ▶ ☐ Conservation Organizations
- ▶ ☐ Michigan State University Extension
- ▶ ☐ Other institutions of learning and education
- ▶ ☐ Farm organizations
- ▶ ☐ Citizen groups interested in your goals

Note on websites: There are several references to websites in the following text that you may wish to contact for further information on regulations, partnering organizations, and programs. Most Districts are now set up with web access. If you do not have personal access to “the web” or are unfamiliar with how to maneuver through it to get where you want to go, ask your Administrator/Executive Director for access and assistance.

If you have questions regarding programs or operation of the Conservation District please feel free to contact:

**Michigan Department of Agriculture
Environmental Stewardship Division**
525 W. Allegan Street/P.O. Box 30017
Lansing, Michigan 48909
Phone: 517/241-0236 Fax: 517/335-3329
E-mail: shines@michigan.gov
Or visit our website at:
www.michigan.gov/mda

or

Michigan Association of Conservation Districts
201 North Mitchell Street, Suite 301
Cadillac, MI 49601
Phone: 231/876-0328 Fax: 231/876-0372
E-Mail: marilyn-shy@mi.nacdnet.org
Or visit our Website at:
www.macd.org

Table of Contents

Welcome to the Board

- Welcome to the Conservation District Board of Directors 7
- What You'll Need to Know First 7
- How Not to Begin Your Career as a Member of the District Board 8

Introduction to Michigan's Conservation Districts

- What is a Conservation District and How is it Operated? 9
- What is the Purpose of Conservation Districts? 9
- Are There Conservation Districts in States Other Than in Michigan? 9
- How are Conservation Districts Funded? 9
- How is a Conservation District Program Conducted? 9
- How does a Landuser Receive Assistance from Their District 10

District Directors' Duties and Responsibilities

- Duties of District Board Members 11
- Conservation District Regular and Special Meetings - The Open Meetings Act 13
- Rules for Conducting Conservation District Director Elections 14
- The Importance of Developing Conservation District Policy 15
- Recommended List of District Policies 16
- A Note on Diversity of the Board 16

Conservation District Powers and Responsibilities

- What are a Conservation Districts Legal Powers? 17
- What are a Conservation Districts Responsibilities to Maintain its Legal Status as an Entity of Government? 18
- When is a Person Duly Authorized to Assume His/Her Position as a Conservation District Director? 18
- To What Rights and Privileges is a Conservation District Director Entitled? 19
- What Types of Activities are Required of a Conservation District Director? 19
- Other Legal Responsibilities of a Conservation District: 20
 - Soil Erosion & Sedimentation Control Act
 - Inland Lakes and Stream Act
 - Sand Dune Protection and Management Act
 - The Great Lakes Submerged Lands Act and the Ordinary High-Water Mark
 - Farmland and Open Space Preservation Act
- Conservation District Liability 24

Conservation District's Partners

- What is the Conservation Districts Relationship with the Michigan Department of Agriculture? 25
- Why is the USDA Natural Resources Conservation Service Involved in Local Conservation District Programs? 26
- What is the Role of the Michigan Association of Conservation Districts? 26

• What is the Role of the Michigan Association of Conservation District Employees?	27
• What is the Role of the National Association of Conservation Districts?	27
• Other Partners in Conservation	27
- USDA Farm Services Agency	
- Michigan State University Extension	
- Resource Conservation and Development	
- Agricultural Experiment Station	
- County Drain Commission	
- Michigan Department of Natural Resources	
- Michigan Department of Environmental Quality	
- Other organizations	

Personnel Management

• Employee Supervision	30
• Employee Recruitment	31
• Employee Training	31
• Employee Evaluations	32
• Employee Position Descriptions	32
• Employee Work Agreement	32
• District Employment Guidelines	33
• District Personnel Policies	35
• Administrator/Executive Director's Duties	35

District Planning and Board Development

• The Long Range Plan	37
• Annual Work Plan	37
• Locally Led Conservation	37
• Board Development	40

Appendices

• Acronyms	41
• Conservation District Law	44
• Michigan's Freedom of Information Act	50
• Code of Ethics for Board Members	58
• Testing Your Board's Effectiveness	60
• Overview of Farmland and Open Space Preservation Act	70
• Sample "At Will" Personnel Policy	72
• Sample "Just Cause" Personnel Policy	81
• Sample Board Meeting Agenda	91
• Parliamentary Procedures - The Basics	94

Welcome on Board

Welcome to the Conservation District Board of Directors

Welcome to your new job as a member of the Conservation District Board of Directors. It is distinctly an honor to be elected to the District board. You'll set the direction for a very important organization in the county. By electing you, your peers have said they believe you have the skills to do that.

You have three major challenges facing you as a board member. The first is to do the task of governing your Conservation District. You'll plan, monitor things like finance and services, evaluate the progress of the District, and a hundred other things to keep this organization viable and moving.

The second is assisting other board members and partners in setting the vision for your Conservation District.

But the third major task is equally important. You have to become part of the District board team, and keep the team functioning at optimum level. If you and other board members don't do a good job of building and maintaining your skills of teamwork and good boardsmanship, you'll not be able to accomplish the first task —governing the Conservation District.

What You'll Need to Know First

As you gain experience on the District board, you will continue to learn facts, statistics, history, procedures, and a thousand others things. But first things first:

1. **Get to know the other folks who serve on the District board with you** — not just their names, but who they really are. Where do they live? What are their occupations? Do they have families? What are their real interests and concerns? What motivates them to serve on the board?
2. **Get to know the Administrator/Executive Director**, the other part of the District board team. There must be a high level of trust between those who govern and the person they have chosen to manage.
3. **Learn where to go for answers to your questions.** Your best defense against being totally lost at this early stage of your term is to know the people and resources to give your answers to the tough questions quickly. The Administrator/ Executive Director, and fellow board members are your best guides to the ways and means of the Conservation District.
4. **Learn to learn.** Learning the job of boardsmanship is a never-ending task. Attend state and national conferences, take part in boardsmanship workshops, read pertinent literature. Learn that this job deserves your very best effort. You come to the District board as an amateur, but you must do the job in the most professional manner possible.

How Not To Begin Your Career as a Member of the District Board

If you are looking for ways to freeze yourself out of the District board team, here are a few suggestions that will guarantee that:

- √ Talk too much and listen too little
- √ Publicly criticize a District board decision you did not support
- √ Ignore advice from fellow board members
- √ Show that you have all the answers for every issue
- √ Refuse to change your mind on any issue, no matter what the evidence
- √ Refuse to compromise
- √ Leak information from a closed District board session
- √ Fail to prepare for board meetings
- √ Ridicule board decisions made before you were elected to the board

Introduction to Michigan's Conservation Districts

What is a Conservation District and how is it Operated?

A Conservation District is a local unit of state government organized by the people within the District boundaries under provisions of the *Soil Conservation District Law*, Act 297 of Public Acts of 1937, as amended. As such, it is a locally controlled resource management agency, created by concerned landowners and administered by publicly elected boards of directors. In 1994, the *Conservation District Law* was made part of The Compiled Environmental Code. It is now Part 93 of Act 451 of 1994, as amended. See Appendix B.

The locally elected five-member board of directors makes all decisions regarding the District's programs and activities. The directors hire qualified staff to conduct and carry out the programs and activities that they have approved. These programs provide technical help, information, and awareness, to assist people in the District to properly manage their natural resources. In Michigan, there are 80 Conservation Districts, which are generally organized along county boundaries.

What is the Purpose of Conservation Districts?

Major goals of a Conservation District and its programs are to:

- ◆ Reduce wind and water erosion and control sedimentation in waters.
- ◆ Encourage conversion of all mismanaged land to a productive use.
- ◆ Encourage use of effective methods of surface water management.
- ◆ Facilitate land uses and land use changes based on land capabilities and user goals.
- ◆ Enhance and protect basic ability of land to produce food and fiber.
- ◆ Promote the maintenance of aesthetic values of land and its related resources.
- ◆ Control nonpoint sources of pollution to surface water, ground water, and air.

Are There Conservation Districts in States Other Than Michigan?

More than 3,000 locally governed Conservation Districts are organized and operating throughout the United States. These entities of government are charged with the responsibility of conducting programs which assist land users in controlling erosion, managing water resources and using land within its capabilities.

How Are Conservation Districts Funded?

District funding sources include state appropriations, county and other local governmental appropriations, federal and state grants, and other locally initiated and conducted fund raising activities. Conservation District directors are responsible for developing funding sources for the operation of the Conservation District and for the conduct of programs focused on solving resource issues.

How is a Conservation District Program Conducted?

To effectively carry out its programs, a Conservation District should,

1. Based on your current Resource Assessment, establish a mission with a strategic/long range plan for the District and a calendar of actions and annual goals leading to the accomplishment of the plan's long-range goals;

2. Develop an annual program of activities and responsibilities based on the strategic/long range plan ;
3. Utilize directors, District staff, assigned technical personnel and cooperating agencies in planning and implementing various phases of the District program;
4. Establish priorities of work for the NRCS personnel assigned to the District.

How Does a Landuser Receive Assistance From Their District?

District assistance to a land user may be in the form of a recommended solution to a specific problem or may involve development of a complete conservation plan for a given land area. To receive assistance:

1. A land user requests assistance from the District;
2. District reviews the request. Assigns assistance based on its program plan and staff available and in accordance with state and federal Civil Rights Laws;
3. Technical personnel review problems on site with the user;
4. Recommendations are developed with alternatives;
5. Land user, in cooperation with technician, selects preferred recommendations and/or alternatives;
6. Land user implements recommendations and technicians assist where needed;
7. District maintains contact with land user to offer further assistance if and when needed.

Implementation of recommendations is voluntary on the part of the land user, who bears part or all of installation costs. Through grants from several state and federal programs (e.g. Michigan Groundwater Stewardship Program or 319), Districts may be able to offer additional assistance to land users in the form of cost share for various conservation and environmental risk reducing activities. raising activities.

District Directors' Duties & Responsibilities

Duties of District Board Members

A Conservation District is an entity of state government with statutory powers and responsibilities to carry out a program of soil and water conservation and encourage wise land management. As locally elected public officials, District directors are responsible for the operation and management of the Conservation District. District directors develop policy, which is carried out by employees and resource personnel available to the District. An effective District board uses all the resources available to the District to carry on effective programs. Such resources include: District employee(s); governmental agencies; private groups; individuals; industry; the natural resources of the District; and more.

Listed are basic duties performed by Conservation District directors, either as an individual, or as a member of a District board of directors; and more.

1. Attend and participate in all board meetings and functions.
2. Cooperate with fellow board members in establishing District policies.
3. Participate in setting District priorities in providing technical assistance to landusers.
4. Participate in developing annual plans of work.
5. Participate in developing, publishing, and distributing annual reports.
6. Keep informed on legislation and policies of local, state, and federal government, pertaining to conservation problems. This includes maintaining contacts with local, state, and national public officials to keep them informed of the Districts activities and the District residents' conservation needs.
7. Encourage land users and public entities to become aware of and utilize the services of the District.
8. Cooperate with fellow board members to secure adequate operating funds for the District. Examples: county appropriations; state appropriations; tree seedling retail sales; and so on.
9. Cooperate with fellow board members in establishing sound business practices required for adequate accounting and financial management of the District's fiscal affairs to be in accordance with state law.
10. Cooperate with fellow board members in publishing information articles, newsletters, etc.
11. Know the functions of other agencies that operate in the District.

Act 463, of 1998 as amended, Section 9307 states: "The directors shall designate a chairperson annually." The chairperson is the only office that a Conservation District must have. Nevertheless, Conservation Districts have found it necessary to provide other offices and designations to cover the District workload in a systematic fashion.

In addition to the chair, most Districts have designated the offices of vice-chair, treasurer, and secretary. Districts may wish to combine certain offices (secretary/treasurer) or leave the offices separate. It is the District's prerogative and responsibility to assign the duties of the offices designated by the board. Typically the duties and responsibilities are as follows:

Duties of the Chair:

1. Leads all District meetings in accordance with the District's locally accepted practices.
2. Calls the meeting to order at the appointed time.
3. Presides over all District meetings.
4. Announces the business before the board in its proper order.
5. Preserves order and decorum.
6. When necessary, authenticates by his/her signature all acts, orders, and proceedings of the District.
7. Calls for a vote on all properly presented motions.
8. Votes in case of a tie vote, roll call vote, or vote by ballot.
9. Receives input from other board members, Administrator/Executive Director, NRCS Conservationist and others to assemble topics for the agenda for the next meeting.
10. Acts as, or appoints, a liaison between the board and the Conservation District employees.

Duties of the Vice-Chair:

1. Is familiar with the duties of the chairperson.
2. Presides as chairperson in his/her absence.

Duties of the Secretary:

1. Is familiar with the duties of the chairperson.
2. Presides as chairperson in absence of vice-chairperson and chairperson. (NOTE: A quorum must be present.)
3. Supervises all written reports.
4. Supervises the recording of minutes of all district meetings for their accuracy and compliance with the **Open Meetings Act (1976 PA 267)**. (See Appendix C.)
5. Supervises the preparation of the Annual Report. Attends planning meetings for annual report with the Administrator/Executive Director and NRCS Conservationist and reviews the final draft before publication.

Duties of the Treasurer:

1. Supervises the paying of all bills of the District.
2. Verifies the District's financial standing.
3. Deposits the District funds in compliance with Act 500, P.A. 1978.
4. Presents treasurer's report at board meetings.
5. Signs and verifies all bank statements.
6. Never sign blank checks without the bearer's name and/or dollar amount designated.

Conservation District Regular and Special Meetings - The Open Meetings Act

As an entity of state government, a Conservation District must comply with provisions of Public Act 267 of 1976 (1976 PA 267), the **Open Meetings Act (see Appendix C)**. The Act provides that:

1. All regular and special meetings of a Conservation District board of directors shall be "open to the public and shall be held in a place available to the general public."
2. Public notice of a meeting "shall contain name, address, and phone number of the body and shall be posted at its principal office and other locations considered appropriate by the public body."
3. Notice of schedule of regular meetings must be made within 10 days after the board's first meeting of the calendar year or its fiscal year. An example on the next page is for a Conservation District that has a fiscal year beginning on January 1, 2002 and has a regular meeting scheduled on the first Wednesday of the month.
4. Changes in regular schedule must be posted within three days of the meeting for which the date change was made.

Monthly Meeting Schedule

The Wolverine Conservation District regularly meets at 7:00 p.m. on the first Wednesday of the month. The meeting dates for 2002 are:

January 2	February 6	March 6
April 3	May 1	June 5
July 3	August 7	September 4
October 2	November 6	December 4

The meetings will be held under the provisions of the Open Meetings Act (1976 PA 267) at the Wolverine Conservation District's principal office located at 100 Main Street, County Seat, MI 48888. Phone: 555 1234

5. Special meetings must be posted at least 18 hours in advance.

Consideration should be given to the use of newspaper and radio and television stations as a means of further publicizing board of directors' meetings. Consideration should also be given to holding District board meetings at a place recognized by the general public as a public meeting place; i.e. a county building, public schools, community rooms in banks or other commercial businesses.

The Open Meetings Act does provide provisions for when a public body may meet in a closed session. **A Conservation District may only meet in closed sessions for the following purposes:**

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual agent, when the named person requests a closed hearing.
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
3. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
4. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have detrimental financial effect on the litigating or settlement position of the public body.
5. To review the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

With the acceptance of 1 & 2 listed above, a 2/3 roll call vote is required for the District board to hold a closed session. A separate set of minutes will be kept. The minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

Rules for Conducting Conservation District Director Elections

At least 60 days prior to expiration of terms, each District will be notified of expiration of directors' terms. Included with the notice will be copies of Certificate of Election Results and Oath of Office.

At least 60 calendar days prior to the annual meeting, a candidate for Conservation District director must file at the Conservation District office, a petition signed by 5 residents of the District. If the 60th day falls on a weekend, the board will decide which day is the last day petitions may be submitted. To avoid any confusion, the district should clearly state the date and time each petition is due as they are handed out. That due date information should also be written on the petition.

Candidates for district director must declare which of the open terms they are seeking. The length of term for which each candidate declares is to be clearly stated on the cover of the petition circulated by that candidate.

A thorough review of "Procedures Governing Directors' Elections" by the District board and the polling chairman is important. Special emphasis should be placed on the following sections of the procedures.

1. MDA Environmental Stewardship Division is to be advised of the date, time and place at least 30 days before the meeting date.

2. The section “Who May Vote” should be read and discussed at *every Directors’ Election*. It is apparent that many that are eligible fail to vote at annual meetings. *Election of directors is the most important item on the annual meeting agenda.*
3. Attached to the procedures, in the Conservation District Operations Handbook, you will find a ballot form (*all District director elections must be conducted on an at-large basis*), registration blank and the necessary Certificate of Election Results and Oath of Office forms. *These last two forms should be executed immediately after the election.* All elected or appointed directors must execute an Oath of Office for each term elected or appointed.
4. At least three polling officials must sign the Certificate of Election Results.
5. All elections must be conducted as outlined in the Election Section of the Conservation District Operations Handbook.

The Importance of Developing Conservation District Policy

The board is entrusted with the authority to establish policy for the governance of the Conservation District. Board policy establishes the parameters and guidelines for board members, committees, management and staff.

The purposes of District policies are to:

- Inform everyone of board intent, goals and aspirations
- Prevent confusion among board members, staff and the public
- Promote consistency of board action
- Eliminate the need for instant (crisis) policy making
- Reduce criticism of the board and management
- Improve public relations
- Clarify board member, Administrative/Executive, and staff roles
- Give management a clear direction from the board

Policy requires a majority of the board: All policy decisions should be made by majority vote of the board and only at board meetings. Before adopting any policy, all board members should receive a copy of the proposed policy in advance of the meeting at which the vote is to be taken.

Source of policies: Policies may be recommended to the board by committees of the board, individual board members, or by the Administrator/Executive Director. All proposed policies should be researched to ensure that they are legal, and do not contradict already established policy of the District. If approved by the board, policies will be written, coded, dated at time of approval and included in all copies of the board policy manual.

Considerations for all policies: All policies proposed to the board should be evaluated to consider if the proposed policy is:

- Really necessary for good operation of the District?
- Consistent with the District’s mission statement?
- Within the scope of board authority?
- Consistent with local, state and federal law?
- Compatible with other policies of the board?
- Practical?
- Broad enough to cover the subject completely?
- Enforceable?

Distribution of a policy manual: A copy of the board policy manual should at all times be available in the District office for review and inspection by employees and board members. Each board member should be given a revised policy manual. The policy manual should be kept updated by the Administrator/Executive Director.

Amendment or suspension of policy: All policies should be annually reviewed by the board or a committee of the board for accuracy and appropriateness, and recommendations should be made to the board for amendment, addition or elimination. Except as otherwise provided by law, any policy of the board may be suspended, repealed, amended, or waived by a majority vote of the board.

Recommended List Of District Policies

The following, recommended by the Michigan Department of Agriculture and the Michigan Association of Conservation Districts, is a list of subjects on which Conservation Districts should adopt policy:

- Structure of the District (chain of command, delegation of activities to Executive Director/Administrator)
- Board Organization (board meeting attendance, authority of board members, committees of the board, public forum during board meetings, board officers)
- Employment/Personnel (make consistent with state and federal laws)
- Conflict of Interest (Board and staff)
- District Finances (financial mgmt., budgeting, signing checks, use of credit card, investment practices, spending authorizations)
- Facilities/Equipment
- Administrative procedures for conduct of board meetings

A Note On Diversity of the Board

Diversity means different things to different people. Within the Conservation Partnership it refers to the concept of inclusiveness affecting both the clientele being served and those that are coordinating and providing the services. It goes beyond notions of race and gender, and embraces all cultures and all people who use, manage and receive the benefits of our natural resources. The members of the Conservation District board should reflect the diversity of the clients that the directors serve in their District. Directors should actively encourage women and minorities to run for District director. This may start by first recruiting individuals to serve on a committee, or by appointing someone to complete a director's term that has been vacated prematurely, to introduce people to the District and its function.

Conservation District Powers & Responsibilities

What Are a Conservation District's Legal Powers?

These powers, fully detailed in Section 8 of Part 93, Public Act 451 of 1994 are outlined as follows:

- A. Conduct surveys, investigations and research relating to the conservation of farmland and natural resources, and to publish results;
- B. Conduct demonstration projects on conservation methods and measures;
- C. Carry out preventive and control measures on lands owned or controlled by the state or on private lands upon obtaining consent of owner;
- D. Cooperate or enter into agreements with agencies, governmental or otherwise, or any land owner in carrying out erosion control or prevention measures;
- E. Own or lease property, earn income from that property, sell or lease that property and use funds obtained to support District activities as provided by law;
- F. Make available services, machinery, and materials that will assist land users to establish conservation measures on their lands, according to terms prescribed by the District;
- G. Engage in plant rescue operations; plant, harvest, and sell only conservation species indicated on the list as established in Section 4a.
- H. Provide technical assistance to other Conservation Districts.
- I. Construct, improve and maintain structures and measures necessary to carry out operations authorized in the Act;
- J. Develop comprehensive plans for conservation of farmland and natural resources and for control and prevention of soil erosion.
- K. Take over by purchase, lease or otherwise, to administer any farmland and natural conservation project located in the District which has been established by any agency of state or federal government; or to manage as agent of any agency of state or federal government any farmland and natural resource conservation project with in the District including acquisition, construction, operation and administration. Accept donations, gifts, monetary contributions, services, materials or otherwise from any state, federal or other source to use or expend in carrying on District operations.
- L. Sue and be sued in the name of the District; have perpetual succession; have a seal that is judicially noticed; make and execute contracts and other instruments to exercise powers; and make, amend and repeal rules and regulations to carry into effect its purposes and powers.
- M. Borrow money for facilities or equipment for conservation purposes and pledge the assets of the District as collateral against loans. Money borrowed is the sole obligation of the District.

- N. May require contributions in money, services, materials or otherwise for extending benefits provided under the Act to private land owners, and may require landowners to enter into and perform agreements or covenants as to the permanent use of the lands that will tend to prevent or control erosion.
- O. Act as compliance assistance agent for other federal, state and county laws.
- P. Act as the enforcing agency for a county if designated under Section 5, Part 91 of Act 451, the Soil Erosion and Sedimentation Control Act

What Are Conservation District's Responsibilities to Maintain its Legal Status as an Entity of Government?

Section 7, Part 93 of Act 451 fully details the responsibilities which are outlined as follows:

- A. Establish a fiscal year. This is done by board action and can be any twelvemonth period. The fiscal year can be changed at any time by subsequent board action.
- B. Hold an annual meeting of land occupiers of the District within 30 days of the end of the District's fiscal year; notice of annual meeting must be published in the official paper of record for the District at least 45 days prior to the date of the event.
- C. Hold an election of directors at the annual meeting; term of office shall be 4 years. Absentee ballots shall be provided to residents unable to attend the annual meeting at any time after publication of, and prior to, the meeting date.
- D. Fill board of director vacancies by appointment until next annual meeting.
- E. Execute surety bonds for officers and employees entrusted with funds and equipment.
- F. Keep full and accurate records of all proceedings.
- G. Provide an annual audit of the accounts of receipts and disbursements.
- H. Provide copies of all proceedings, contracts, copies of ordinances, rules, regulations, orders, etc. to the Michigan Department of Agriculture, upon request.

Note: As a unit of government, Conservation Districts must comply with all federal and state laws and rules governing the operation of a governmental entity, such as the Open Meetings Act (Public Act 267 of 1976, as amended), Freedom of Information Act (Public Act 442 of 1976, as amended), Civil Rights Acts (Public Act 220 and 453, as amended), for a more complete review of these acts see **Appendix C** of this handbook.

When is a Person Duly Authorized to Assume His/Her Position as a Conservation District Director?

A Director officially takes office when the election results have been certified and a notarized oath of office is on file at the Michigan Department of Agriculture. This applies to an incumbent as well as an appointee and a director elected for the first term.

To What Rights and Privileges is a Conservation District Director Entitled?

As an elected official of a unit of government, a director:

- ◆ Is covered by worker's compensation while performing District director duties;
- ◆ May receive a per diem of up to the amount that the Commission of Agriculture receives.
- ◆ Is not personally liable for actions of the Board while performing duties of director.

What Types of Activities Are Required of a Conservation District Director?

The Michigan legislature has given Conservation District directors broad powers to develop and carry out soil and water conservation programs. To carry out these powers, directors have the responsibility to take the leadership role in the following:

- ◆ Participate in development of long term, strategic plans of action and in developing and carrying out the annual plan of action.
- ◆ Prepare for, conduct and participate in Conservation District board meetings and attend Michigan Association of Conservation District (MACD) state and area meetings and state and regional training sessions conducted by MDA and partners. To be fully effective you should miss no more than 3 District board meetings per year.
- ◆ Provide for the keeping of a full and accurate record (minutes) of all proceedings and all resolutions, regulations, and orders issued or adopted.
- ◆ Provide for the preparation, publishing , and distribution of an annual report.
- ◆ Secure needed funds for adequate district operations and oversee proper dispersal of funds according to state and federal law. **It is important to note here, it is the director's responsibility to secure funding by setting priorities, identifying sources, meeting with other public officials, and keeping open channels of communication with conservation organizations.** Staff will complete the necessary applications, but should not be expected to make all contacts necessary.
- ◆ Prepare an annual budget and maintain an approved bookkeeping system that reflects all income and expenditures. Prepare an annual financial statement and provide for an annual audit.
- ◆ Employ personnel and determine their qualifications, duties, and compensation. Keep abreast of performance and provide administrative supervision. Understand working agreements established with personnel and comply with all conditions.
- ◆ Serve as the "up-front" person for the District by representing the District at public functions sponsored by the District and at functions related to soil and water conservation activities.
- ◆ Establish, review, and understand Conservation District policies.
- ◆ Annually designate your chairperson and other officers.
- ◆ Establish the priority of work.

- ◆ Establish and maintain communications with public and private leaders within the Conservation District who can support the District program.
- ◆ Make decisions in response to all proposals presented to the board.
- ◆ Sponsor and actively participate in educational activities to inform people about the soil and water conservation program and to enlist their support.

Other Legal Responsibilities of a Conservation District

Because Conservation Districts are recognized for their expertise in areas dealing with soil, water and related resources they have been written into various state laws and given a role to play in the operation of those laws. Your District office should have a copy of the full text of these laws on hand for reference. Below is a brief description of Conservation District responsibilities concerning each of these laws.

Soil Erosion and Sedimentation Control Act, Part 91 of Public Act 451 of 1994 - the Michigan Compiled Environmental Code (formerly 1972 PA 347).

An Act to provide for the control of soil erosion and to protect the waters of the state from sedimentation. This act pertains to earth changes within 500 feet of a lake or stream or which disturbs one or more acres of land. The practices of forestry, mining, or tilling and harvesting of crops are exempt from this law.

Part 91 provides various means for Conservation District involvement. (Note: “the department” in Part 91 refers to the Michigan Department of Environmental Quality):

1. The Department of Agriculture, with the assistance of the Conservation Districts and in consultation with appropriate state and local agencies, shall prepare and submit to the department for the department’s approval a unified statewide soil erosion and sedimentation control program.
2. The county board of commissioners, by resolution, shall designate a county agency, or a Conservation District upon the concurrence of the Conservation District, as the county enforcing agency responsible for administration and enforcement in the name of the county. The resolution may set forth fees for inspections, plan reviews, and permits and may set forth other matters relating to the administration and enforcement of this part and the rules.
3. A city, village, or charter township by ordinance may provide for soil erosion and sedimentation control on public and private land uses within its boundaries except that a charter township ordinance shall not be applicable within a village that has in effect an ordinance providing soil erosion and sedimentation control. The city, village, or charter township may consult with a Conservation District for assistance or advice in the preparation of the ordinance.
4. A city, village, or charter township ordinance for soil and sedimentation control proposed to be adopted shall be submitted to the department for approval before adoption. The department shall forward a copy to the appropriate Conservation District for review and comment.
5. An authorized public agency or a county or local enforcing agency may enter into an agreement with a Conservation District for assistance and advice in overseeing and

reviewing compliance with adequate soil erosion and sedimentation control procedures and in reviewing existing or proposed land uses, land use plans, or site plans with regard to technical matters pertaining to soil erosion and sedimentation control.

In addition to or in absence of such agreements, Conservation Districts may perform periodic reviews and evaluations of the agency's operation procedures pursuant to standards and specifications developed in cooperation with the respective Districts and as approved by the department. Such reviews and evaluations shall be submitted to the administering agency of the department for the appropriate action.

6. A state, local, or county agency may apply to the department for designation as an authorized public agency by submitting to the department the soil erosion and sedimentation control procedures governing all land uses normally under taken by the agency. If the applicant is a local or county agency, the department shall submit the procedures to the appropriate Conservation District for review, and the Conservation District shall submit its comments on the procedures to the department within 60 days.

It is a good practice to review Soil Erosion and Sedimentation Control permits, however, many Conservation Districts do not. Where reviews are currently completed, the procedures for review vary widely. When in doubt, the local or county enforcing agent should be consulted for review procedures.

Inland Lakes and Stream Act, Part 301 of Public Act 451 of 1994 (formerly 1972 PA 346).

This act is to regulate inland lakes and streams and to protect Riparian Rights and public interest in inland lakes and streams.

Generally Part 301 permits are required for dredge or fill operations or changes that interfere with the natural flow of an inland lake or stream. Numerous exceptions exist under the law. Questions regarding the necessity of a 301 permit should be directed to the Department of Natural Resources, Land Resource Programs Division.

Under Part 301, Conservation Districts:

1. Are allowed 20 days from submission of the application to review permit.
2. Can submit changes in conservation practices or inclusion of them if omitted in application.
3. May submit a written request to Department of Environmental Quality, Land and Management Division for a public meeting to review the application. The purpose of the meeting would be to recommend changes in the application to the land owner and the Department of Natural Resources.

The Conservation District role is to comment on the permit application, but no action need be taken. Districts should record for the minutes that the notice has been reviewed and filed or action taken. Six months is long enough to keep this on file.

Sand Dune Protection and Management Act, Part 353 of Public Act 451 of 1994 (formerly 1976 PA 222).

This act provides for study, protection, management and reclamation of Great Lakes sand dunes. This Act affects Conservation Districts such that:

1. Local Conservation Districts shall receive a notice of an application for permits for uses in critical dune areas. The notice shall state that unless a written request is filed with the local unit of government within 20 days after notice is mailed, the local unit of government may grant the application without public hearing.
2. After consulting with the local Conservation District, a local unit of government that has 1 or more critical dune areas within its jurisdiction may formulate a zoning ordinance pursuant to the zoning acts noted in Sec. 35312(1)(a-c) of Part 353.
3. A zoning ordinance shall require that all applications for permits for the use of a critical dune area include in writing, among other things, assurances that the cutting and removing of trees and other vegetation will be performed according to the instructions or plans of the local Conservation District.
4. Unless a variance is granted, a zoning ordinance shall not permit the following use, among others, in a critical dune area: A structure and access to the Michigan Conservation Districts Director's Handbook structure on a slope within a critical dune area that has a slope that measures from 1-foot vertical rise in a 4-foot horizontal plane to less than a 1-foot vertical rise in a 3-foot horizontal plane, unless the structure and access to the structure are in accordance with plans prepared for the site by a registered professional architect or a licensed professional engineer and the plans provide for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water. Prior to approval of the plan, the planning commission shall consult with the local Conservation District.
5. Appropriations to the Department of Agriculture shall be sufficient to assure adequate funding for the Conservation Districts to fulfill their responsibilities under this part.

The Conservation District's primary role is to comment on the permit application, although no action need be taken. Districts should record for the minutes that the notice has been reviewed and filed or action taken. Six months is long enough to keep on file.

The Great Lakes Submerged Lands Act and the Ordinary High-Water Mark, Part 325 of Public Act 451 of 1994 (formerly 1955 PA 247, as amended).

This act authorizes the Department of Environmental Quality to grant, convey or leave unconveyed lake bottom lands and unconveyed lands in the Great Lakes belonging to the State of Michigan. The act also provides rules for the use of public and private submerged lands and establishes an ordinary high-water mark for the Great Lakes.

Under this act a permit and/or lease, deed or agreement is required from the Department of Environmental Quality for:

1. Dredging and/or filling bottom land below the ordinary high-water mark.
2. Placement or alteration of a structure on bottom land below the ordinary highwater mark (this includes permanent docks and boathouse).
3. Development, construction, and operation of a marina.
4. Interference with the natural flow of great lakes coastal waters.

5. Construction, alteration or connection of any artificial waterway (i.e., upland channel, lagoon, artificial harbor, etc.) extending landward off the ordinary highwater mark.
6. Any artificially-made lands below the ordinary high-water mark fill.

Not all Conservation Districts review Act 325 applications. For those that do a review, the District has 20 days from date of mailing to respond with their concerns about the application.

The Conservation District's role is to comment on the permit application, but no action need be taken. Districts should record for the minutes that the notice has been reviewed and filed or action take. Six months is long enough to keep on file.

Farmland and Open Space Preservation Act, Part 361 of Public Act 451 of 1994 as amended (formerly 1974 PA 116 - **still commonly referred to as PA 116**).

This act provides for farmland development rights agreements and open space development rights agreements.

Under this law, Conservation Districts are asked to review Part 361 applications. The District has 30 days to review, comment, and make recommendations to the local governing body with which the application is filed. While the District does not have approval or rejection power, the District's review is very instrumental in an application approval or denial, as Districts are often the only review body which has local knowledge and experience in agriculture.

In addition, part of the application for Purchase of Development Rights (PDR) requires that the applicant submit to the state pertinent information obtained from the local Conservation District. This portion of the application asks the Conservation District to verify the number and percentage of acres nominated to PDR that are devoted to agriculture; the number and percentage of acres considered prime and/or unique farmland; and whether the nominated land has any other unique characteristics (i.e. Centennial Farm, stream or lake frontage, cultural historic site, significant wetlands, etc.). See the Appendix for a copy of this application.

Some suggestions for handling Part 361 applications:

1. All actions of the District on applications should be recorded in the minutes in form of motions (a motion may cover individual applications or one motion can apply to the whole group presented).

Applications should be listed in the minutes by (1) owner, (2) location (township and section number), (3) number of acres. This will be helpful when questions arise as to what action was taken on a particular parcel of land. Note: Some Districts are numbering each application consecutively by year (e.g. 86-217).

2. A listing of applications by owner and location on the agenda is helpful to directors who may want to look at or ask questions about a parcel prior to the board meeting.
3. Verification forms should be sent to the Michigan Department of Natural Resources, Real Estate Division.

Dear Richard and Sally Cisco:

The Wolverine Conservation District has reviewed the Farmland and Open Space Preservation Act (Part 361 of Act 451 of 1994, as amended) application #86-216 of Richard and Sally Cisco, Section 25, Golden Township, 157 acres for 30 years.

We recommend the application be approved.

Sincerely,

4. A letter of approval or denial for Part 361 applications should be sent to the county or township clerk and a copy to the landowner. *(See sample letter on the right)*

Conservation District Liability

The Conservation District Law under powers of Districts and Directors, Section 9308, paragraph (l) states: "To sue and be sued in the name of the District." This statement in the District's enabling legislation protects District directors from legal claims arising from their activities as District directors. The Conservation District is the liable party.

Conservation Districts are afforded protection under Act 170, P.A. 1964, which provides immunity in all cases where a government agent is engaged in the exercise and discharge of its governmental function. Exceptions to the law where Conservation Districts are liable in cases involving:

1. Breach of contract.
2. Liability for bodily injury and property damage resulting from negligent operation of a government owned vehicle by any director, agent, or employee of a governmental agency.
3. Liability for bodily injury or property damage resulting from a dangerous or defective condition of a public building.
4. Liability from which the District has charged for its services.

As units of state government, Conservation Districts may be entitled to the services of the Attorney General's office. All requests to the Attorney General must be channeled first to the Director of the Environmental Stewardship Division of the Michigan Department of Agriculture.

Conservation District's Partners

Conservation Districts partner with many local and statewide groups and organizations. But the two main agencies that assist with Conservation Districts are the **Michigan Department of Agriculture** and the **USDA Natural Resources Conservation Service**. There are also three main non-profit organizations that assist Districts: the **Michigan Association of Conservation Districts**, the **Michigan Association of Conservation District Employees**, and the **National Association of Conservation Districts**.

What is the Conservation District's Relationship with the Michigan Department of Agriculture?

The Conservation District Act provides for the Michigan Department of Agriculture to coordinate programs of the various Conservation Districts, assist in planning local programs, assure that each District is operated and maintained as an entity of government and, administer state allocated grants to Conservation Districts. Local District administration assistance and program coordination functions are carried out by the Environmental Stewardship Division staff of the Michigan Department of Agriculture.

Under this arrangement, the Conservation District:

Must

- ◆ Submit an annual audit report, a copy of its annual report, and its regular and special meeting minutes to the Michigan Department of Agriculture.
- ◆ Notify the Michigan Department of Agriculture of the time and place of the annual meeting and method of election; submit director election certificate and oaths of office.
- ◆ Upon request, submit other documents and information necessary to maintain the District as an entity of government.

May

- ◆ Request assistance in planning and implementing its program.

In turn, the Michigan Department of Agriculture:

Must

- ◆ Arrange for cooperation and financial and other assistance to Districts from state and federal governmental units.
- ◆ Offer assistance to local Districts in carrying out their statutory responsibilities.
- ◆ Approve and coordinate local programs.
- ◆ Disseminate soil and water conservation information.
- ◆ Certify election results and audit reports.

- ◆ Conduct and supervise procedures which assure that each organized Conservation District is maintained and operated as an entity of government as provided in Act 297, the Open Meetings Act.
- ◆ Keep a file of all legal documents required to maintain each District as an entity of government.

May

- ◆ Require such documents and reports as needed to assist in coordinating all conservation programs.
- ◆ Develop printed materials to assist Districts in promoting soil and water conservation among the general public.
- ◆ Develop and conduct training programs for directors and staff to assist in effective District program development and implementation.

Why is the USDA Natural Resources Conservation Service (NRCS) Involved in Local Conservation District Programs?

The USDA Natural Resources Conservation Service is a federal agency with the very general goal of natural resource conservation. Primarily working on farm resource conservation, the NRCS also deals with other private and public resources.

A memorandum of understanding was executed between the USDA Natural Resources Conservation Service (NRCS) and the District at the time of its organization. This agreement allows the Conservation District to utilize the technical service of the Natural Resource Conservation Service. Most Districts have a Natural Resource Conservation Service employee called the NRCS Conservationist. In general, the agreement says that the Natural Resource Conservation Service:

1. Will assign technical personnel to the District.
2. Will provide assistance in accordance with District's annual plan.
3. Will consult with Districts in advance when personnel and/or assistance changes are to be made.
4. Will notify Districts in advance when changes are to be made.
5. May provide office facilities.

For more information on NRCS functions and programs check out their website at: www.nrcs.usda.gov.

What is the Role of the Michigan Association of Conservation Districts (MACD)

The Michigan Association of Conservation Districts (MACD) is a non-governmental, non-profit organization established to represent and provide services to Michigan's 82 Conservation Districts. It was organized in 1940 as Michigan Soil Conservation Districts Incorporated, which became the Michigan Association of Conservation Districts in 1978.

The Michigan Association of Conservation Districts represents its members at the state level by working with legislators, cooperating agencies, and special interest groups whose programs affect the

care and management of Michigan's natural resources, especially on private lands. At the national level, the state association coordinates its activities with and supports the National Association of Conservation Districts to keep the public, Congress, U.S. Department of Agriculture, and environmental interest groups aware of the nation's soil and water conservation needs.

The state association serves its members by providing timely communications and information, educational and leadership development programs, and forums where issues of mutual concern can be discussed and solutions shared. The state association also conducts campaigns and programs that strengthen objectives and programs of local districts, and encourage land users to adopt conservation programs that protect soil, water, and related resources.

For the purpose of the Association, the Districts are organized into ten (10) geographic regions. MACD is governed by thirteen (13) council members each representing one of the ten regions, plus three (3) officers. The MACD State Council members are District directors who have accepted the added responsibility of representing their regions. MACD is supported by member District dues, grants, and by contributions from District directors and employees, agency personnel, renewable resource-based industries, business and organization, educators, and other individuals concerned about the wise care and management of the state's soil, water and related resources.

What is the Role of the Michigan Association of Conservation District Employees (MACDE)

The Michigan Association of Conservation District Employees (MACDE) is a private organization formed by the District employees across the state. Its general goal is to represent the needs of some 250 District employees. It is governed by a Board of Directors, made up of one district employee from each of the 10 regions across the state. MACDE uses its large group buying power to procure things like the group health plan from Blue Cross and Blue Shield.

What is the Role of the National Association of Conservation Districts (NACD)

The National Association of Conservation Districts (NACD), formed in 1946, is a non-governmental, non-profit organization, which represents more than 3000 Conservation Districts nationally. The National Association of Conservation Districts maintains offices in Washington D.C. and has regional representatives located throughout the country. It provides timely communications and information, educational and leadership development programs, and forums. The National Association of Conservation Districts has established a strong voice on soil, water and other natural resource concerns at the national level. The National Association of Conservation Districts conducts campaigns and programs that strengthen objectives and programs of local Districts, and encourage land users to adopt conservation programs that protect soil, water, and related resources.

Other Partners in Conservation

U.S.D.A. Farm Services Agency (FSA)

A federal agency that provides cost share moneys for federally driven programs. Most of this cost share money is for farming related activities. Assists the District board with the establishment of the Local Work Group that develops resource issues for submission for funding under federal USDA programs. Many Conservation Districts are in buildings with an FSA office (a.k.a. the USDA Service Unit). For up-to-date information on FSA programs check their website at: <http://www.fsa.usda.gov>

Michigan State University Extension (MSUE)

This Federal/Michigan State University partnership provides local experts in agronomy, horticulture, home economics, etc. Even though extension agents are not located in every county, they do try to

cover all of Michigan. MSUE staff serves as another source of information and assist Districts in demonstrations and education programs, which promote interest in and understanding of conservation needs, problems and solutions. Many Districts have an extension person attend District board meetings. For more information on MSUE and their on-going programs check their website at: <http://www.msue.msu.edu>

Resource Conservation and Development (RC&D)

Currently in Michigan there are seven Resource Conservation and Development (RC&D) areas which cover most Districts. RC&Ds provide a multi-purpose approach to resource management. Conservation Districts provide membership to the area RC&D council and generally pay RC&D dues. In Michigan the RC&Ds have organized themselves into non-profit organizations. They administer grant projects for and through Conservation Districts. Staff assistance is provided by NRCS and many of the RC&Ds have hired additional staff. Ask your Administrator/Executive Director for detailed information regarding your RC&D area.

Agricultural Experiment Station (AES)

The Agricultural Experiment Station (AES) is part of Michigan State University. The AES conducts research and demonstrations in the area of agriculture and natural resources. There are several research stations located around Michigan. Conservation Districts can cooperate with AES in conducting on-farm or in-forest demonstrations and research. AES specialists are available to provide input into Conservation District programs and in conducting technical workshops for landowners. For more information contact your local MSU Extension agent or check the website at <http://www.maes.msu.edu>

County Drain Commissioner

County Drain Commissioners are locally elected officials charged with providing for local water management. All counties with a population of over 12,000 should have an elected county drain commissioner. In smaller counties, the county road commission is often the responsible authority. Conservation Districts have entered into agreements with their county drain commissioner relative to drain maintenance activities and inspection.

Michigan Department of Natural Resources (MDNR)

The Michigan Department of Natural Resources (MDNR) is responsible for the management of the state natural resources especially as it relates to state owned land. The divisions that Conservation Districts have the most contact with are listed below. For more information on MDNR divisions and programs check their website at: <http://www.dnr.state.mi.us>

Forestry Division - Provides technical assistance to private woodland users through the Cooperative Resource Management Initiative. Assists Districts with their forestry programs.

Wildlife Division - Provides grants to Conservation Districts to provide technical assistance in establishing improved wildlife habitat on private lands.

Real Estate Division - Refers applications under Public Act 116 (Farmland and Open Space Preservation) to Districts for recommendations.

Michigan Department of Environmental Quality (MDEQ)

The Michigan Department of Environmental Quality (MDEQ) is responsible for enforcement of many natural resource and environmental regulations including wetlands, surface water quality, and soil erosion and sedimentation control. MDEQ also provides grants to Conservation Districts to conduct non-point source pollution control programs on a watershed basis. This federal program is known as the 319 watershed program and it is administered through the Surface Water Quality Division. For a breakdown in divisions and responsibilities check the website at <http://www.deq.state.mi.us/deqdiv> or for general information on the MDEQ simply go to <http://www.deq.state.mi.us>.

Other Organizations

Many Districts have working agreements and/or memoranda of understanding with other local, state and federal agencies which define specific roles of these agencies in District programs. In addition, there are many organizations that Conservation Districts can and will interact with. Pheasants Forever, Ducks Unlimited, land conservancies, other environmental groups, foundations, local and state governmental officials, businesses, and the list goes on. These organizations can be a source of funding, resources, or other program support. They broaden the Districts' network and extend your power to get conservation accomplished for the good of the citizens of your District.

Personnel Management

A necessary process for Conservation District directors is becoming aware of their responsibilities as employers. They are responsible for a host of things such as position descriptions, salaries, morale and longevity of an employee's position. Employees should not be treated as "hired hands". Conservation Districts must be responsible and fulfill their obligations to their employees. Their decisions affect large segments of the population and extend well beyond the boundaries of individual farms.

The Michigan Department of Agriculture (MDA) will provide samples of the following:

1. Recruitment procedures
2. Individual development plans
3. Evaluation forms
4. Position descriptions
5. Work agreements (conditions of employment)
6. Recommended code of ethics and conduct
7. Written office policies and procedures
8. Written personnel policies

Employee Supervision

Supervision is the process of directing and inspecting the performance of employees. Good supervision consists of the following as a minimum:

1. Clear direction as to what is expected of the employee in regard to all aspects of the job, including personal conduct, interaction with the public and fellow workers, quantity and quality of work.
2. Regular feedback on performance, indicating good work and also where improvement is needed.
3. Demonstration of personal concern, fairness and respect for the employee.

While an employee is ultimately hired by the Conservation District(s) the employees often must work under the guidelines of a different agency or funding source (i.e. MDEQ, MDNR, grants, etc.). It may not be obvious to the new employee just who is supervising their work. It is important that a supervisor is agreed upon among all interested parties before the employee is hired. This supervisor may or may not be someone in the Conservation District.

Regardless, Conservation District boards should continue to set direction, establish policies and priorities and serve as a source of appeal for the District employee.

Employee Recruitment

Recruitment is the process of locating and hiring employees. It is probably the most important part of building a good Conservation District program. Employees with the right qualifications can usually be molded into high quality employees. Recruitment is a complex process. Interviews should not be used as the only source of selection and should only be used to narrow down the final selection list. Some combination of the following selection methods are most commonly used:

1. References and recommendations.
2. Application blanks /résumé.
3. Interviews.

Cooperating agencies can be helpful in assisting the Conservation District in selecting District employees. The new employee will be expected to work with and be accepted by the local cooperating agencies.

Because of state and national laws it is important that correct selection procedures be followed. Review the Pre-Employment Inquiry Guide in the Appendix and the "Interview" section in the Conservation District Operations Handbook for guidance. It is also important that Conservation District directors:

1. Develop a job description, work agreement and individual development plan for new employees.
2. Initiate and participate in the employee selection process.
3. Provide a realistic job preview to an applicant for the Conservation District employee position before the job offer has been accepted. A realistic job preview should include the disadvantages as well as the advantages of the position.

(See Conservation District Operations Handbook for sample vacancy announcement)

Employee Training

It is a misconception that newly hired employees should be able to come on board and immediately begin to provide high quality, efficient service to the public. Conservation District employees can be expected to be skilled in technical and people skills and work with very little supervision. It is, however, unrealistic to expect new employees to be completely productive and effective under new and unfamiliar conditions. Some time must be allowed to let the employee become acquainted with the operations of the District and the program they are serving. As such, personal development opportunities are imperative.

Conservation District employees do participate in general training sessions to varying degrees. But there is also an evident need to send Conservation District employees to training sessions that meet the needs of their individual development plans and enhance knowledge in their area of expertise.

All employees, with the assistance of the NRCS Conservationist, appropriate partners and the approval of the Conservation District board need to develop or update a training plan at the beginning of each fiscal year. Training for Conservation District employees should come from a variety of public and private sources in order for Conservation District employees to develop a broad perspective.

Employee Evaluations

Evaluation is the process by which an employer critiques, grades and scores an employee's performance. A system of evaluation of the Conservation District employees should be established within the District and the Conservation District employee should be evaluated at least yearly. New employees need to be evaluated more frequently and at least every ninety days during their probationary period.

Evaluation may take several forms. There is the informal evaluation. This process takes place daily or whenever the employer has contact with the employee. It may even be subconscious. The individual employee's appearance, mannerisms and attitudes are evaluated and make up the basis for the employer's general feelings towards the employee.

This informal evaluation often includes criteria not agreed upon or included in the formal performance appraisal and it often includes personal characteristics and values, which should not be evaluated. These personal characteristics often make up the style or individuality of the employee that an employer should not attempt to change.

Many times the informal evaluation has a great impact on the employer and employee. If the employee makes a bad impression with the employer, it is often impossible for that employee, no matter how good their actual work performance, to meet the expectations of the employer. Conversely, if an employee makes a favorable personal impression, substandard performance may be overlooked.

This informal evaluation process is a "two-way street". The employees also evaluate the employers. The employees are asking themselves - "How am I treated?" "Is my opinion respected?" "Am I getting paid what I feel my time is worth?" "Does my employer understand my needs?" If the employees are unsatisfied with the answers to these questions and others, they could be unsatisfied with their job and their work output may reflect this dissatisfaction.

The formal evaluation process helps to objectively quantify and qualify many of the informal evaluations that take place. It also helps to clarify those characteristics the employer has a right to question. The formal evaluation lessens the impact of the informal evaluation and it also encourages the employer and employee to identify and discuss strengths and areas needing improvement. The goal of the formal evaluation process is to set up open communication between the employer and employee that allows employees to know how their work is perceived and how they are performing based on predetermined criteria. It encourages growth of the employee and a better understanding of employer's responsibilities to their employees.

Employee Position Descriptions

Position descriptions are important to outline the duties and responsibilities of the Conservation District employee and set the basic framework for his/her operations. They also provide for a smooth transition from one employee to another.

Conservation District employees are encouraged to keep position descriptions updated and current to the point where they accurately reflect their duties and responsibilities. District Directors should review position descriptions with their employees at least annually.

Employee Work Agreement

The work agreement contract between an employer and employee is important in establishing the hours, wages, benefits and other conditions of employment of the employee and to define the obligations of the employer. The work agreement should describe work rules and other standards to

which the employee should adhere. *Only by non-compliance with items in the work agreement may an employee be terminated.*

The work agreement should be reviewed and updated at least annually, although every six months would be more appropriate. This review and updating should be written into the agreement. *The employee should not be responsible for ensuring the review and updating of their own work agreement.* An employee should not be asked to continue working without an up-to-date work agreement. Amendments to the work agreement may be added during the course of the contract year to allow for changes in conditions of employment.

(See the Conservation District Operations Handbook for a sample of a work agreement)

District Employment Guidelines

It is required that each Conservation District adopt staff employment policies with the following guidelines:

I. Written Work Agreement

Developed between the district and the employee, it is essential to eliminate confusion about conditions of employment and duties. The agreement should include, but not be limited to, the following:

- A. A statement affirming the District policy of non-discrimination by race, creed, color, religion, age, or sex in appointments, promotions, compensation or other actions affecting employees of the District. An example follows:

The _____ Conservation District, an Equal Opportunity Employer, complies with applicable federal and state laws prohibiting discrimination. It is the policy of the _____ Conservation District that no person, on the basis of race, sex, color, religion, national origin or ancestry, age, marital status, handicap, or Vietnam-era veteran status, shall be discriminated against in employment or promotions.

- B. A list of duties which the employee is expected to perform. (See Administrator's/Executive Director's Duties).
- C. Salary rate and schedule and fringe benefits. Note: Conservation Districts are subject to minimum wage laws. The District board should check with the county administrator for the county salary schedule and a job description close to the District employee duties. This information may be used as a guideline for determining wages, etc.
- D. Working hours and breaks.
- E. The agreement should provide for a review by the District board, or Administrator/Executive Director. This evaluation should be made annually with the employee. New employees should be reviewed at shorter intervals, typically 3 and 6 months.

II. District Employment Guidelines

- A. Duties of employees should be listed with priorities [District activity, cooperating agency(ies)].

- B. Wages should be paid on a regular schedule, at least biweekly.
- C. Salary should be commensurate with experience, degree or responsibility and comparable with rates paid by other units of government for similar duties.
- D. Hours of full-time employees should coincide with regular District office hours. Regular part-time employees should be scheduled for work on a regular basis. (e.g. Monday, Tuesday, and Friday afternoons/mornings).

III. Fringe Benefits

A. Full-time employees:

- 1. Shall receive overtime pay of at least 1-1/2 times the standard pay rate for work in excess of 40 hours per week.
- 2. Should receive reimbursement for mileage for personal car used on District business.
- 3. Should receive paid vacation time based on length of employment.
- 4. Should receive accumulative sick leave to a desired maximum.
- 5. Should receive health insurance assistance.
- 6. Should receive paid holidays that coincide with those of the NRCS office and/or county government.
- 7. Retirement
 - a. Shall receive Social Security coverage for those contributing Districts.
 - b. Should receive consideration for a retirement program.

B. Regularly employed part-time employees:

- 1. Shall receive Social Security coverage for contributing Districts. Districts not enrolled may wish to consider doing so as a benefit to the employee.
- 2. Should receive mileage reimbursement.
- 3. Should receive vacation and sick leave proportionate to full time (40 hours a week).

IV. Legal Requirements

By law, a District must provide all employees with Worker's Compensation, unemployment compensation insurance, and a surety bond if the employee is entrusted with District funds and/or equipment. Provisions must be made for deductions of state and federal income taxes.

V. Staff Board Liaison

A member of the District board shall be designated by the chairman as the contact (liaison) person for the employee and immediate supervisor. In addition, the liaison person is to keep

the District board apprised of the employee's progress or effectiveness as well as any employment situation problems.

VI. Training

The District should encourage participation of employees in training programs provided by MDA and other agencies. Attendance of District staff at MDA, NRCS, state and regional MACD meetings, demonstrations and informational meetings are beneficial in upgrading knowledge and skills needed to efficiently complete duties and responsibilities.

District Personnel Policies

Whether to serve as information for a potential employee, or for taking a stand on a resource issue, it is essential that the District board formulate policies before they are needed. Remember, directors are the visionaries and must have foresight in determining what is best for the District and its employees. Too often a conflict or crisis is the impetus for setting policy. A personnel policy should provide both information on the District's current employment policies and provide insight to the benefits and responsibilities of being an employee. A personnel policy is not a contract. To be useful it should be reviewed on a regular basis and revised or modified as necessary.

In general, there are two types of personnel policies: Just Cause and At Will. While everything else may remain the same, the essential difference is that an "At Will" policy permits either party, employer or employee, to end the employment relationship at either's discretion without cause. A "Just Cause" policy, as its name indicates, provides that the employer must have good reason for the termination of an employment relationship and provides a procedure for progressive discipline of an employee.

Appendix B and the Conservation District Operations Handbook contain examples of both types of policies. Most Districts operate under a Just Cause Policy. Whatever policy the board decides upon, it is imperative that all members have an understanding of its content and purpose.

Part 93 of Act 451 of 1994 Section 9307 states: "The directors may employ a secretary, technical experts and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation."

Administrator/Executive Director's Duties

The Administrator/Executive Director is first an employee of the board, but the relationship between the board and the Administrator/Executive Director is not a typical employee/ employer relationship. In business the employer is the expert on the nature of the business and probably knows more about the business than the employee. The reverse is true of the Administrator/Executive Director. The role of the Administrator/Executive Director can be defined as keeping the board informed and doing the board members' job for them - a way for the board to fill its mandate.

It is each Conservation District's responsibility to match the administrative duties to the needs of the District as they deem necessary. In doing this, each District's duties assigned to the Administrator/ Executive Director are different.

Generally, the Administrator's/Executive Director's duties include and are not limited to the following:

1. Coordinate and assist in planning District events.

2. Arrange for and attend Conservation District board meetings, annual meetings and other District functions. Prepare and distribute newsletters and other information and education activities. Maintain files on all District activities.
3. Prepare material relating to the District board agenda, meeting and minutes. Prepare correspondence.
4. Serve as receptionist for the District; answer the phone, greet visitors, handle requests and schedule appointments.
5. Maintain District bookkeeping system and District files, correspondence, handbooks, manuals and memoranda, assist with audit reports.
6. Perform other related duties as assigned by the Conservation District board.
7. At the direction of the board, assume management of a District project.
8. Assist in preparing and updating annual and long-range plans, assist with conservation education programs.
9. Provide typing, filing, and other administrative support to the technical staff carrying out the District's soil and water conservation programs.

District Planning & Board Development

The Long Range Plan

Every Conservation District should have a strategic or long-range natural resource conservation plan on file in the District office. This is not intended as an in-house document. It needs to be understood by those in a position to develop, fund, approve, or administer conservation programs. Legislators, county/city commissioners, agencies, environmentalists, interest groups and individuals should be able to determine quickly what the conservation problems are, what actions need to be taken, who should take the actions, and why such actions were proposed. This document recognizes the District's current needs in resource development and the authorities with which Districts are empowered. Plans should be reviewed annually when preparing the annual plan of work and updated every five years. Amendments should be added as necessary.

An effective long-range plan will result in an improved combination of individual conservation programs with adequate funding and good administration. The plan must contain specific recommendations that can be broken down in annual segments to include: the efforts that are needed, and the levels of operation required. It should also include federal, state, local and private efforts as well as spell-out who needs to do what, why it needs to be done, and when it will be done. It should cover all of the important resource problems and needs in the District and still be brief enough to be interesting and effective.

Annual Work Plan

The District's long-range plan should be broken down into annual segments that are readily identifiable and guide the District in its day to day programs. If the annual plan is not prepared, planning and decision-making tends to be made on an "as needed" basis and long range objectives often suffer as a result. The annual plan lists the major goals the District has set for the year and the activities that will be used to achieve those goals.

In 1998 changes were made in the Memorandums of Understanding between Districts and NRCS. The Annual Operational Agreement (AOA) is the document developed locally to detail working arrangements between the District and the local field office. This Operational Agreement can be used in place of the Annual Work Plan but long range objectives should still be taken into account. The Operational Agreement should be developed jointly between the directors and the NRCS District Conservationist stating what the District expects to achieve and how it will be accomplished.

Locally Led Conservation - Developing and Using a Local Decision Making Team

Conservation District planning can not occur in a vacuum. Directors must actively seek input into the planning process from others in their District. It is essential to keep in mind that a Conservation District is a *locally* controlled resource management agency, created by concerned landowners and administered at the local level by *publicly* elected boards of directors. The District is accountable to the landowners within its jurisdiction.

The Locally led conservation process was formally organized under the 1996 Farm Bill for determining EQIP priority areas. The process, however, has been used by many Conservation Districts since their founding. Locally led conservation, as described by NRCS, means that local people assess their natural resource conditions and needs; set goals; identify programs and other resources to solve those needs; develop proposals and recommendations to do so; implement solutions; and measure their success. It is based on an assessment of conservation needs and all the assistance available to the

community through government and non-governmental sources. It uses all federal, state and local conservation programs - and private sector programs - as tools to solve natural resource concerns.

As such, it is important that the District stay abreast of the needs and concerns of its community. A local decision making team, made up of a variety of leaders and interested citizens in the community, can assist directors in defining the overall direction and appropriate programs for the District to follow to meet the needs of the community and its natural resources.

The following serves as a guide to utilizing a local decision making team in the planning process:

A. Identification of Resource Concerns Using Community Leaders

1. Leaders should be from a diverse group including representatives of agricultural industry, armers, wildlife, environmentalists, fisheries, tourism, recreation, elected officials and governmental agencies.
2. When asking for representatives, be prepared to discuss the following:
 - a. An estimate of how much time it will take to complete the required tasks of the committee.
 - b. The purpose and responsibility of the committee.
 - c. What results the district expects from the committee's efforts.
3. The meeting should be convenient to the members of the committee.
4. The results of the committee's effort should be:
 - a. Identification of the critical resource concerns facing the city, townships and the county.
 - b. The same list of concerns prioritized based on the importance of the concern; the potential for a solution; and the public interest in the concern.
 - c. For each concern a list of individuals or organizations that would have a vested interest in that specific concern.
 - d. For each concern a list of organizations that could or should be the lead organization.

B. Invite Vested Interest Leaders to a Problem Solving Process Hosted by the District to Address Critical Resource Concerns

1. Directors should invite these people personally with invitations followed by a thank-you/reinforcement letter. The following criteria should be considered in deciding whom to invite.
 - a. The individual has the respect of their peers.
 - b. The individual has the ability to clearly communicate their position.
 - c. The individual has the ability to listen and learn.
 - d. The individual has the ability to compromise and work in group settings.
 - e. The individual will take the job seriously and give the necessary time.
 - f. The individual must concur that there is a problem.
 - g. The individual must agree that the problem is worth the investment of resources to resolve.
 - h. The individual must believe that a solution is possible.

2. Again, the meeting should be convenient to the members of the committee and the invitee(s).

C. Locate a Facilitator

1. In order to help move the group through this process, a facilitator may be used.
3. The facilitator must be capable of:
 - a. Separating causes from symptoms.
 - b. Keeping the members focused on the issues.

D. Problem Solution

1. The facilitator should get the problem solving team to first identify and prioritize the causes of the number one priority concern. Special attention must be placed on keeping the members focused on identification and not allowing them to slip into solutions during this part of the session.
2. The facilitator should get the group to prioritize the causes of the number one priority concern based on key factors such as:
 - a. The cause has a solution.
 - b. The most important cause results in the greatest impact on the problem.
 - c. This cause also results in the greatest payback.
3. Conduct a brain storming activity to propose solutions to the number one priority concern. This should involve taking the problem and asking for potential solutions from the group. Things to remember as you go through this process:
 - a. No answer or suggestion is to be rejected.
 - b. This is not the place to figure out all the details.
 - c. Everyone must be given an opportunity to submit an idea.
4. The group should begin another activity to prioritize the proposed solutions remembering:
 - a. The solution should result in the biggest bang for the buck.
 - b. The affected people should support it.
 - c. There must be someone willing to take responsibility for implementing the solution.
5. Finally, the group should identify all the details needed to implement each of the solutions. This plan should be written down and include who is responsible, milestones, starting and ending dates.
5. If you come to an insurmountable problem during any of these steps, the facilitator should ask the following:
 - a. Is this issue important to the people?
 - b. Do we want to give the energy and resources to solve this problem?
 - c. Is there another more important issue?

This should get the group thinking about the importance of the issue. If the team agrees that this is the wrong issue or the problem is impossible to deal with, move on to the next issue.

E. The District is the Follow-Up Agency: The last responsibility of the District is to ensure that the plan is implemented.

1. If a commitment is made to hold meetings by some other organization, the District staff needs to contact that organization to make sure that commitment is being carried out.
2. If any organization cannot fulfill their commitment, they should be invited to a board meeting to explain the problem. The committee that put the plan together should be notified so that other support for implementation of the plan can be obtained.

Four Things to Remember

Sell District policy and mission

Keep in mind public or customer interest.

Support from media is crucial.

Credibility is everything.

Board Development

Ongoing development activities should be part of the plan for every board and for every director. It is important to attend state and national conferences, take part in directors' workshops, and keep up with pertinent literature. But that is not enough. It is also essential that the board make the time to evaluate on a regular basis how it is working, both as a team and as individual directors.

A board is a dynamic group. Old directors move on and new people arrive to fill the old shoes. One new personality can completely change for better or worse, the way a board functions. Circumstances and employees affecting the way Districts operate change constantly. Evaluations should take place on a yearly basis, at a minimum, to reflect inevitable changes in membership and circumstances.

Appendix D contains a copy of "A Code of Ethics for Board Members" and a set of evaluations that will assist you in testing your board's effectiveness and your effectiveness as a director. These materials were developed by the *Cain Consulting Group*. More materials are available to assist your board to be all it can be. Learn and follow the code. Make several copies of both the individual and group evaluations so that you can review them as a group on a regular basis. Make it a routine part of your board function. And, most importantly, be willing to learn and grow as a team!

Contact the Michigan Department of Agriculture's Environmental Stewardship Division or the Michigan Association of Conservation Districts for more information on board development opportunities.

Appendix A

Acronyms

The use of acronyms is a common practice in today's world. The government is not alone. Every business, society, and profession seems to have their own set to use. The language used in district activities is often confusing to those unfamiliar with it. Following is a list of common acronyms you may run across in everyday district business.

AOA - Annual Operating Agreement. Document that describes the work and operational agreement between an individual conservation district and their corresponding NRCS field office.

ASC - Assistant State Conservationist. The United States Department of Agriculture Natural Resource Conservation Service (USDA NRCS) person that the District (DC) Conservationist reports to. A middle management position between the DC and the state office of NRCS.

AFO - Animal Feeding Operations. Agricultural enterprises where animals are kept and raised in confinement.

CAFO - Concentrated Animal Feeding Operations. Those animal feeding operations with 1,000 or more animal feeding units.

CD - Conservation District

CES (now MSUE) - Cooperative Extension Service. Term formerly used to describe Michigan State University Extension

CMI - Clean Michigan Initiative. Bond initiative passed to fund various environmental programs in the State of Michigan

CNMP - Comprehensive Nutrient Management Plan

CREP - Conservation Reserve Enhancement Program

CRP - Conservation Reserve Program

CWA - Cooperative Working Agreement. Document that defines the working relationship between USDA NRCS, the Michigan Conservation Districts and the Michigan Department of Agriculture.

DC - District Conservationist. (USDA NRCS) person who has overall supervision of a NRCS service unit.

DEQ or MDEQ - Michigan Department of Environmental Quality

DNR or MDNR - Michigan Department of Natural Resources

ESD - Environmental Stewardship Division. Part of the Michigan Department of Agriculture (MDA) that has administrative oversight of Conservation District activities.

EBI - Environmental Benefits Index. Criteria used to determine enrollment of land in CRP.

EI - Erosion Index

EPA or USEPA - U.S. Environmental Protection Agency

EQIP - Environmental Quality Incentives Program. This is a federal program that provides funds on a competitive basis for cost-share. This was part of the 1996 Farm Bill.

FAIRAct - Federal Agriculture Improvement and Reform Act. Better known as the 1996 Farm Bill.

FCA - Farm Credit Agency

FEMA - Federal Emergency Management Act. Federal agency that provides disaster relief.

FIP - Forestry Incentives Program. Federal program providing assistance for forestry.

FOCS - Field Office Computing System. NRCS database used for documenting conservation planning efforts

FOIA - Freedom of Information Act

FSA - USDA Farm Services Agency

GIS - Geographic Information Systems

GPS - Global Positioning System

HEL - Highly Erodible Land

ICM - Integrated Crop Management

IPM - Integrated Pest Management

LAN/WAN - Local Area Network / Wide Area Network. Information transfer and management systems involving phones, internet, etc., used in USDA Service Centers.

MACD - Michigan Association of Conservation Districts. A non-profit organization that supports the work of districts throughout the state.

MACDE - Michigan Association of Conservation District Employees.

MDA - Michigan Department of Agriculture.

MDEQ or DEQ - Michigan Department of Environmental Quality

MDNR or DNR - Michigan Department of Natural Resources

MDOT - Michigan Department of Transportation

MGSP - Michigan Groundwater Stewardship Program. A state program providing technical assistance and cost-share to farmers and landowners to identify and decrease risk to groundwater from pesticide and nitrogen fertilizer contamination. Administered through MDA.

MOU - Memorandum of Understanding. Agreements between agencies on how they will support each other's activities.

MSUE - Michigan State University Extension

NACD - National Association of Conservation Districts. A non-profit organization that supports the work of districts nationwide.

NASCA - National Association of State Conservation Agencies. Made up of state agencies that have administrative oversight of their respective state conservation districts. MDA is the state conservation agency in Michigan.

NRCS - USDA Natural Resource Conservation Service.

OMB - U.S. Office of Management and Budget. Federal agency that has regulatory authority on budget and management and budget issues.

PL-566 - Federal NRCS program that focuses on small watersheds and projects that provide flood control.

PRMS - Performance and Results Measurement System. Internet based reporting system developed by USDA NRCS.

RC - Resource Conservationist. (USDA NRCS) person assigned to the district office. The person who is responsible for NRCS programs in the local NRCS field office

RC&D - Resource Conservation and Development. Non-profit organizations staffed by NRCS employees. RC&Ds help communities improve their economies and quality of life through wise use and development of natural resources.

RUSLE - Revised Universal Soil Loss Equation. A formula used to determine the amount of erosion from a given field under varying circumstances. Replaces USLE or the Universal Soil Loss Equation.

SIP - Stewardship Incentives Program. Federal program providing assistance for forestry programs.

319 - A federal EPA program that provides funds for water quality programs. This program is administered by MDEQ.

USDA - United States Department of Agriculture

USDOI - United State Department of the Interior

USF&WS - United States Fish and Wildlife Service. Within the United States Department of the Interior (DOI)

USFS - United States Forest Service

USGS - United States Geological Survey

WHIP - Wildlife Habitat Incentives Program. A program or the 1996 Farm Bill to help improve wildlife habitat.

WRP - Wetlands Reserve Program. Federal program to improve wetlands.

Appendix B

CONSERVATION DISTRICT LAW Act 463 of 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. Llewellyn, McNutt, Hammerstrom, Wetters, Kukuk, Gilmer, Oxender, Varga, Middaugh, Dalman, Bodem, Brater, Brackenridge, Jelinek and Voorhees

ENROLLED HOUSE BILL No. 5793

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 9301, 9302, 9303, 9304, 9305, 9307, 9308, 9310, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9307, 324.9308, 324.9310, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9304a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 9301. As used in this part:

- (a) "Agency of this state" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.
- (b) "Board or conservation district board" means the governing body of a conservation district.
- (c) "Compliance assistance agent" means an individual who provides technical assistance to individuals, organizations, agencies, or others to aid them in complying with federal and state laws and local conservation ordinances.
- (d) "Conservation species" means those plant species beneficial for conservation practices as authorized by the conservation species advisory panel.
- (e) "Conservation species advisory panel" means the conservation species advisory panel created in section 9304a.
- (f) "Department" means the department of agriculture.
- (g) "Director" means 1 of the members of the conservation district board, elected or appointed in accordance with this part.
- (h) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with this part, for the purposes, with the powers, and subject to the restrictions set forth in this part.
- (i) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.
- (j) "Landowner" includes any person who holds title to or has contracted to purchase any land lying within a district organized under this part or former 1937 PA 297.
- (k) "Person" means an individual, partnership, or corporation.
- (l) "Plant rescue" means to physically move native conservation species of plants from 1 location in Michigan to another location in Michigan for the purpose of reestablishing the native conservation species.
- (m) "Resident" means a person who is of legal age to vote and can demonstrate residency in the district via 1 piece of identification.

(n) "State" means this state.

(o) "United States" or "agencies of the United States" includes the United States of America, the natural resources conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 9302. It is the policy of the legislature to provide for the conservation of the natural resources of the state, including soil, water, farmland, and other natural resources, and to provide for the control and prevention of soil erosion, and thereby to conserve the natural resources of this state, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.

Sec. 9303. (1) The business that a conservation district board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, in addition to any other notice prescribed in this part. (2) A writing prepared, owned, used, in the possession of, or retained by a conservation district board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 9304. In addition to the other duties and powers conferred upon the department under this part, the department has the following duties and powers:

(a) To offer such assistance as may be appropriate to the directors of conservation districts in implementing any of their responsibilities under this part and as otherwise provided by law.

(b) To keep the directors of each of the districts informed of the activities and experience of all other districts and to facilitate an interchange of advice and experience between the districts and cooperation between them.

(c) To approve and coordinate the programs of all conservation districts.

(d) To secure the cooperation and assistance of the United States and any of its agencies, and the state and any of its agencies, in the work of the districts, and to formulate policies and procedures as the department considers necessary for the extension of aid in any form from federal or state agencies to the districts.

(e) To disseminate information throughout the state concerning the activities and programs of the conservation districts and to encourage the formation of districts in areas where their organization is desirable.

Sec. 9304a. (1) The conservation species advisory panel is created within the department. The conservation species advisory panel shall consist of the following members selected by the director of the department and approved by the commission of agriculture:

(a) Two representatives of the department as follows:

(i) One individual from the pesticide and plant management division or its successor agency.

(ii) One individual from the environmental division or its successor agency.

(b) One individual representing the department of natural resources.

(c) One individual representing the natural resource conservation service.

(d) Two representatives from Michigan state university as follows:

(i) One individual from the department of horticulture or its successor department.

(ii) One individual from the department of forestry or its successor department.

(e) One individual representing conservation districts.

(f) One individual from a statewide organization representing nursery and landscaping interests in the state.

(g) One individual from a statewide organization representing seedling growers' interests in the state.

(2) By December 1 of each year, the conservation species advisory panel shall establish a list of conservation species for the following calendar year that may be propagated, planted, harvested, sold, or rescued as part of a plant rescue operation. However, conservation species on this list that are

propagated, planted, or rescued during that calendar year may be sold, removed, or reestablished in subsequent years even if the species is removed from the list in a subsequent year.

Sec. 9305. (1) Boundaries of conservation districts shall include cities, townships, and incorporated villages.

(2) A conservation district's board may petition the department to change the district's name. The petition form shall be provided by the department. The department shall give due consideration to the petition and, if the request is determined to be needed and practical, shall approve the change in name and request the secretary of state to enter the new name in the secretary of state's official records of the district.

Sec. 9307. (1) A conservation district board shall consist of 5 directors, elected or appointed as provided in this part. The directors shall designate a chairperson annually.

(2) The term of office of each director shall be 4 years. All directors shall be elected at an annual meeting by residents of the district. The election shall be nonpartisan and the directors shall be elected by the residents of the district at large. At least 60 days prior to the annual meeting, a candidate for conservation district director must file at the conservation district office, a petition signed by 5 residents of the district. A candidate must be a resident of the district. The annual meeting shall be held within 30 days following the close of the fiscal year of the district. The fiscal year of the district shall be determined by the board of directors of the district. Notice of the annual meeting shall be published in the official newspaper of record for the area in which the district is located at least 45 days prior to the date of the annual meeting. This notice shall include the date, time, and location of the annual meeting, an agenda of items to be considered at the meeting, and a list of all candidates for directors of the conservation district. A resident of a district who is unable to attend the annual meeting may vote for the directors of the conservation district by absentee ballot at the conservation district office during regular business hours of the conservation district office at any time after publication of the notice and prior to the annual meeting. Director elections shall be certified by the department. A director shall hold office until a successor has been elected and qualified. Vacancies shall be filled by appointment by the board until the next annual meeting.

(3) A majority of the directors constitutes a quorum, and the concurrence of a majority in any matter within their duties is required for its determination. A director is entitled to expenses, including traveling expenses necessarily incurred in the discharge of his or her duties. A director may be paid a per diem for time spent undertaking his or her duties as a director in an amount not to exceed the per diem paid to a member of the commission of agriculture.

(4) The directors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation. The directors may call upon the attorney general of the state for legal services as they may require. The directors may delegate to their chairperson, to 1 or more directors, or to 1 or more agents or employees any powers and duties that they consider proper. The directors shall furnish to the department, upon request, copies of ordinances, rules, regulations, orders, contracts, forms, and other documents that they adopt or employ, and any other information concerning their activities that the department may require in the performance of its duties under this part.

(5) The directors shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; shall provide for an annual audit of the accounts of receipts and disbursements; and shall maintain accurate financial records of receipts and disbursements of state funds, which records shall be made available to the department. Any director may be removed by the department upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.

(6) The directors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the directors of the district on all questions of program and policy that may affect the property, water supply, or other interests of the municipality or county.

Sec. 9308. (1) A conservation district organized under this part constitutes a governmental subdivision of this state and a public body corporate and politic, exercising public powers, and a conservation district and the conservation district's board has all of the following powers, in addition to powers otherwise granted in this part:

- (a) To conduct surveys, investigations, and research relating to the conservation of farmland and natural resources, to publish the results of the surveys, investigations, or research, and to disseminate that information upon obtaining the consent of the landowner or the necessary rights or interest in the lands. In order to avoid duplication of research activities, a district shall not initiate any research program except in cooperation with the government of this state or any of its agencies or with the United States or any of its agencies.
- (b) To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction of the lands, and on any other lands within the district upon obtaining the consent of the owner of the lands or the necessary rights or interest in the lands, in order to demonstrate by example the means, methods, and measures by which farmland and natural resources may be conserved and soil erosion in the form of soil blowing and soil washing may be prevented and controlled.
- (c) To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and other measures to achieve purposes listed in declaration of policy, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction of the lands, and on any other lands within the district upon obtaining the consent of the landowners or the necessary rights or interests in the lands.
- (d) To cooperate or enter into agreements with and, within the limits of appropriations made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any landowner within the district or his or her designated representative, in the conducting of erosion-control and prevention operations within the district, subject to conditions as the directors consider necessary to advance the purposes of this part.
- (e) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests in that property; to maintain, administer, and improve any properties acquired, to receive income from the properties, and to expend income in carrying out the purposes and provisions of this part; and to sell, lease, or otherwise dispose of any of its property or interests in property in furtherance of the purposes and provisions of this part.
- (f) To make available, on the terms it prescribes, to landowners or their designated representatives within the district and to other conservation districts in Michigan, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and other material or equipment as will assist landowners or their designated representatives to carry on operations upon their lands for the conservation of farmland and natural resources and for the prevention and control of soil erosion.
- (g) To engage in plant rescue operations and to propagate, plant, harvest, and, subject to section 9304a, sell only conservation species on the list established in section 9304a. A conservation district that violates this subdivision is subject to a civil fine of not more than \$100.00 per day of violation. An action to enforce this subdivision may be brought by the state or a county in the circuit court for the county in which the conservation district is located or in which the violation occurred.
- (h) To provide technical assistance to other conservation districts.
- (i) To construct, improve, and maintain structures as may be necessary or convenient for the performance of any of the operations authorized in this part.
- (j) To develop comprehensive plans for the conservation of farmland and natural resources and for the control and prevention of soil erosion within the district or other conservation districts. The plans shall specify, in such detail as is possible, the acts, procedures, performances, and avoidances that are necessary or desirable for the effectuation of the plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish the plans and information described in this subdivision and bring them to the attention of residents of the district.

(k) To take over, by purchase, lease, or otherwise, and to administer any farmland and natural resource conservation project located within its boundaries undertaken by the United States or any of its agencies or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies or of this state or any of its agencies, any farmland and natural resource conservation project within its boundaries; to act as agent for the United States or any of its agencies or for this state or any of its agencies in connection with the acquisition, construction, operation, or administration of any farmland and natural resource conservation project within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies or from this state or any of its agencies, and to use or expend the money, services, materials, or other contributions in carrying on its operations; and to accept money, gifts, and donations from any other source not specified in this subdivision.

(l) To sue and be sued in the name of the district; to have a seal that is judicially noticed; to have perpetual succession unless terminated as provided in this part; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; and to make, and from time to time amend and repeal, rules and regulations in a manner that is not inconsistent with this part to carry into effect its purposes and powers.

(m) To borrow money for facilities or equipment for conservation purposes and pledge the assets of the district as collateral against loans. Any money borrowed shall be solely the obligation of the conservation district and not the obligation of the state or any other public entity in the state.

(n) As a condition to the extension of any benefit under this part to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the directors may require contributions in money, services, materials, or otherwise to any operation conferring the benefits, and may require landowners to enter into and perform agreements or covenants as to the permanent use of the lands that will tend to prevent or control erosion on those lands.

(o) To act as a compliance assistance agent for other federal, state, and county laws.

(p) To act as the enforcing agency for a county if designated under section 9105.

(2) Unless authorized by the county board of commissioners of each county in which a conservation district is located, a conservation district shall not enforce state or federal laws.

(3) Unless otherwise specifically provided by law, provisions with respect to the acquisition, operation, or disposition of property by other public bodies are not applicable to a district organized under this part.

Sec. 9310. (1) Agencies of this state that have jurisdiction over, or are charged with the administration of, any state owned lands, and agencies of any county or other governmental subdivision of the state that have jurisdiction over, or are charged with the administration of, any county owned or other publicly owned lands, lying within the boundaries of any district, shall cooperate to the fullest extent with the directors of the districts in the effectuation of programs and operations undertaken by conservation districts under this part. The directors of the districts shall be given free access to enter and perform work upon such publicly owned lands.

(2) The board of a conservation district may cooperate with and enter into agreements with a county, township, municipality, or other subdivision of state government in implementing soil, water, and related land-use projects. A county, township, municipality, or other subdivision of state government through its governing body may cooperate with and enter into agreement with conservation districts in carrying out this part and may assist districts by providing them with such materials, equipment, money, personnel, and other services as the governmental unit considers advisable.

Sec. 9312. (1) One or more conservation districts may petition the department for a revision in the boundaries of 1 or more conservation districts. The department shall not take action on the petition unless it is signed by a majority of the directors of each of the districts involved in the proposed revision. Within 30 days after receipt of a proper petition, the department shall cause notice of hearing to be given to the residents in the area or areas affected by the proposed revision as identified by the

directors of a district and within 60 days hold a hearing to receive comments relative to the proposed change.

(2) The department shall determine if the proposed revision as petitioned for is desirable. If it finds in the affirmative, the department shall issue an order that states that the boundaries of the districts are to be moved, merged, consolidated, or separated at a date specified in the order and includes the name and the revision of the boundaries of the revised district or districts.

(3) Upon transmission of the order to the secretary of state, a certificate of due organization under seal of the state shall issue, if necessary, to the directors of the district as provided in this part. The revised district or districts shall have the same powers, duties, and functions as other districts organized under this part.

(4) The department shall appoint the first board of directors of the revised district, 1 of whom shall be appointed for a term of 1 year, 2 for a term of 2 years, and 2 for a term of 3 years. Thereafter, directors shall be elected as provided in section 9307.

(5) All assets, liabilities, records, documents, writings, or other property of whatever kind of the districts of which the consolidated district is composed shall become the property of the consolidated district, and all agreements made by, and obligations of, the former districts shall be binding upon and enforceable by the consolidated district. At the date specified in the department's order, the districts of which the consolidated district is composed shall cease to exist, and their powers and duties shall cease after that date. The consolidated district shall be governed by this part.

Sec. 9313. The necessary expenses of any conservation districts shall be made from appropriations made for those purposes.

Enacting section 1. Sections 9306 and 9311 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9306 and 324.9311, are repealed.

Enacting section 2. Section 9307 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9307, as amended by this amendatory act, takes effect June 1, 1999.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved

Governor

Appendix C

Michigan's Freedom of Information Act

An Overview for Conservation District Directors

The purpose of the Freedom of Information Act is to set and regulate requirements for the disclosure of public records by all "public bodies" in the State. Since Districts are local units of State government, they are required to abide by the Freedom of Information Act.

I Availability of Public Records:

- Any person may ask (orally or in writing) to inspect, copy or receive a copy of a public record;
- A District must respond within **5 business days** of receiving a request but under extreme conditions the District can notify in writing to extend the time limit by 10 business days.

II Records Covered by the Freedom of Information Act:

All records of the District are covered by the Freedom of Information Act. The Following is a partial list:

- Minutes of open meetings;
- Officials' voting records;
- Staff manuals;
- Promulgated rules;
- Other written statements which implement or interpret laws;
- Rules or policy including guidelines, manuals, and forms with instructions use or adopted by the agency.

III Record Format:

Format of the record does not matter. The Act applies to:

- Handwriting, typewriting, printing;
- Photostatting, photographing, photocopying and any other means of recording;
- Letters, words, pictures, sounds, or symbols, or combination of these;
- Papers, maps, magnetic or punch cards, discs, drums, or any other means of recording meaningful content.

IV Public Records Exempt From Disclosure:

Although the District is not required to hold back any information, there are certain items that the District may withhold from public disclosure:

- Specific personal information if withholding it from public scrutiny is more important than the public's right to the information;

- Commercial or financial information voluntarily provided to an agency for use in developing policy;
- Information subject to attorney-client privilege;
- Pending public bids to enter into contracts;
- Appraisals of real property to be acquired by a public body;
- Internal communications and notes within and between public bodies that lead up to final agency determination of policy or action. Note, however, that factual materials contained within these communications are open records and must be separated out and made available.

V Fees For Public Records:

- Districts can charge a fee for providing public records but it must be limited to actual duplication, mailing and clerical labor costs.

SUMMARY OF MICHIGAN'S FREEDOM OF INFORMATION ACT

The following is an updated summary of the basic provisions of the Freedom of Information Act (FOIA) as amended by 1996 PA 553. The actual text of the statute follows in Section II.

Basic Intent:

The Freedom of Information Act regulates and sets requirements for the disclosure of public records by all "public bodies" in the state.

Key Definitions:

"Public body" means a state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof. It also includes:

an agency, board, commission, or council in the legislative branch of the state government; a county, city, township, village, inter county, inter city, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council or agency thereof; or any other body which is created by state or local authority or which is primarily funded by or through state or local authority. It does not include private non-profit corporations.

"Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.

Coverage:

The Freedom of Information Act sets requirements for the disclosure of public records by all "public bodies" in the state. All state agencies, county and other local governments, school boards, other boards, departments, commissions, councils, and public colleges and universities are covered.

Public Records Open to Disclosure:

In general, all records except those specifically cited as exceptions are covered by the Freedom of Information Act. The records covered include minutes of open meetings, officials' voting records, staff manuals, final orders or decisions in contested cases and the records on which they were made, and promulgated rules. Other written statements which implement or interpret laws, rules or policies, including, but not limited to, guidelines, manuals and forms with instructions, adopted or used by the agency in the discharge of its functions, are also covered.

It does not matter what form the record is in. The act applies to any handwriting, typewriting, printing, photostatting, photographing, photocopying and every other means of recording. It includes letters, words, pictures, sounds or symbols, or combinations thereof, as well as papers, maps, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content. It does not include computer software.

Public Records Exempt From Disclosure:

A public body may (but is not required to) withhold from public disclosure certain categories of public records under the Freedom of Information Act. The following public records are exempt from disclosure under this act:

--Specific personal information about an individual if the release would constitute a clearly unwarranted invasion of that individual's privacy.

--Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:

- interfere with law enforcement proceedings;
- deprive a person of the right to a fair trial or impartial administrative adjudication;
- constitute an unwarranted invasion of personal privacy;
- disclose the identity of a confidential source or, if the record is compiled by a criminal law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source;
- disclose law enforcement investigative techniques or procedures; or
- endanger the life or physical safety of law enforcement personnel.

--Public records which if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

--Records which if disclosed would violate the Family Educational Rights and Privacy Act of 1974 (primarily student records).

--Records specifically exempted from disclosure by another statute.

--A public record or information which is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the consideration originally giving rise to the exempt nature of the public record remains applicable.

--Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy.

--Information subject to attorney-client privilege.

--Information subject to other privileges such as counselor-client and those recognized by statute or court rule.

--Pending public bids to enter into contracts.

--Appraisals of real property to be acquired by a public body.

--Test questions and answers, scoring keys and other examination instruments.

--Medical, counseling or psychological facts which would reveal an individual's identity.

--Communications and notes between and within public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption shall not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.

--Law enforcement communication codes and employment plans unless the public interest in disclosure outweighs the public interest in nondisclosure.

--Information which would reveal the location of archeological sites.

--Product testing data developed by agencies buying products where only one bidder meets the agency's specifications.

--A student's college academic transcript where the student is delinquent on university loans.

--Records of any campaign committee including any committee that receives moneys from a state campaign fund. (These records are open to the public under Public Act 388 of 1976).

--Public records of a police or sheriff's agency where disclosure would identify an informer, or undercover agent, or reveal the home address, telephone number of an officer or agent, or disclose personnel records of law enforcement agencies.

--Records pertaining to an investigation of a health care professional conducted by the Department of Consumer and Industry Services pursuant to the Public Health Code before a complaint is issued.

--Records of a public body's security measures.

--Records relating to a civil action in which the requesting person and the public body are parties.

--Records that would disclose the social security number of an individual.

--Applications, including letters of recommendation and references, for president of an institution of higher learning if the records could be used to identify the candidate. However, records pertaining to persons identified as finalists, except letters of recommendation and references, are not exempt.

Availability of Public Records:

A request must be made in writing and provided to the FOIA coordinator of the public body. A FOIA coordinator may designate another individual to act on his or her behalf to accept requests for processing.

A person may ask to inspect, copy or receive a copy of a public record. There are no qualifications such as residency or age that must be met in order to make a request. However, prisoners in state, county or federal correctional facilities are not entitled to make requests.

Not more than five business days after receiving a request, the public body must respond to a request for a public record. The public agency can, notify the requester in writing and extend the time for an additional ten business days. A person also has the right to subscribe to future issuances of public records that are created, issued or disseminated on a regular basis. A subscription is valid for up to six months, at the request of the subscriber, and is renewable.

The public body or agency has a responsibility to provide reasonable facilities so that persons making a request may examine and take notes from public records. The facilities must be available during the normal business hours of the public body.

Fees for Public Records:

A government agency may charge a fee for the necessary copying of a public record for inspection or providing a copy of a public record to a requestor. A public body may also charge for search, examination and review and the separation of exempt information in those instances where failure to charge a fee would result in unreasonably high costs to the public body. The fee must be limited to actual duplication, mailing and labor costs. The first \$20 of a fee must be waived for a person who is on welfare or presents facts showing inability to pay because of indigency.

Denial of a Record:

If a request for a record is denied, written notice of the denial must be provided to the requester within five business days, or within 15 business days if an extension is taken. A failure to respond at all, constitutes a denial.

When a request is denied, the public body must provide the requester with a full explanation of the reasons for the denial and the requester's right to submit an appeal to the head of the public body or to seek judicial review. Notification of the right to judicial review must include notification of the right to receive attorney fees and collect damages.

Enforcement:

A person may appeal a final decision to deny a request to the head of the public body. The head of the public body has 10 days to respond to the appeal. Under unusual circumstances, an additional 10 days may be taken. A person also has the right to commence an action in circuit court to compel disclosure of public records. The suit must be filed within 180 days after the public body's final decision to deny a request.

The action may be brought in the county where the requester lives, the county where the requester does business, the county where the public document is located, or a county where the agency has an office.

Penalties for Violation of the Act:

If the circuit court finds that the public body has arbitrarily and capriciously violated the Freedom of Information Act by refusal or delay in disclosing or providing copies of a public record, it may, in addition to any actual or compensatory damages, award punitive damages of \$500 to the person seeking the right to inspect or receive a copy of a public record.

Effective Date:

April 13, 1977.

Michigan's Open Meeting Act An Overview for Conservation District Directors

The intent of the Open Meetings Act is to allow people of Michigan to know what goes on in government by giving them access through open meetings. As a logical unit of State government, District are required to abide by the Open Meetings Act. Any individual can ask to be notified of District Meetings. The District can require that this request be in writing.

I Meeting Announcement

- Ten (10) days prior to the first District board meeting of the new fiscal year, a list of all regular meetings must be posted in a public area.
- All announcements must include date, time, and place.
- Changes in the regular meeting schedule must be posted within three days of the meeting at which the date change was made.

II Special Meetings

- Special and irregular meetings must be posted at least 18 hours prior to the meeting.

III Closed Meetings

Under certain conditions, District can go into closed session:

- A. Closed Meetings Requiring Two-Thirds Vote:
 - to consider the purchase or lease of real property;
 - to consult with an attorney about pending litigation but only when an open meeting could have detrimental financial effect on the public body's position;
 - to consider material exempt from discussion or disclosure by state or federal statute.
- B. Closed Meetings Not Requiring a Vote:
 - to consider the dismissal, suspension or disciplining of an employee when the person requests a closed session;
 - to consider a periodic personnel evaluation of an employee when the person requests a closed session;
 - to hear complaints or charges brought against a public officer, employee or individual when the person requests.

IV Meeting Minutes

- A. Minutes must be kept for **all** meetings and must contain:
 - time, date, place of meeting;
 - members present and absent;
 - record of decisions made and all roll call votes;
 - explanation for the purpose(s) if meeting is closed.
- B. Except for closed sessions, all minutes are public records and must be ready within 8 business days of the meeting.

- C. Corrections to minutes must be made no later than the following meeting.
- D. Approved minutes must be ready within 5 business days of the meeting which they were approved.

Appendix D

A CODE OF ETHICS FOR BOARD MEMBERS

As a member of the board I will:

- listen carefully to my teammates, and the constituents I serve.
- respect the opinion of my fellow board members.
- respect and support the majority decisions of the board.
- recognize that all authority is vested in the board when it meets in legal session and not with individual board members.
- keep well-informed of developments that are relevant to issues that may come before the board.
- participate actively in board meetings and actions.
- call to the attention of the board any issues that I believe will have an adverse effect on the District or to our constituents.
- attempt to interpret the needs of constituents to the District and interpret the action of the District to its constituents.
- refer constituent or staff complaints to the proper level on the chain of command
- recognize that the board member's job is to ensure that the District is well-managed, not to manage the District.
- vote to hire the best possible person to manage the District.
- represent all constituents of the District and not a particular geographic area or special interest groups.
- consider myself a "trustee" of the District and do my best to ensure that the District is well maintained, financially secure, growing and always operating on the best interests of constituents.
- always work to learn more about the board member's job and how to do the job better.
- declare any conflicts of interest between my personal life and my position on the District board, and avoid voting on issues that appear to be a conflict of interest.

*As a member of the board I will **not**:*

- be critical, in or outside of the board meeting, of fellow board members or their opinions.
- use the District or any part of the organization for my personal advantage or the personal advantage of my friends or relatives.

- discuss the confidential proceedings of the board outside the board meeting.
- promise prior to a meeting how I will vote on any issue in the meeting.

Appendix E

TESTING YOUR BOARD'S EFFECTIVENESS

Dear Board Member,

There's more to being a good board member than just learning the basics. For a board to operate at peak efficiency, board members need to hone their board skills to a fine edge, examining and reexamining their policies and procedures.

When evaluating a board, there are some very clear indicators that this board has its act together and functions at high efficiency - or, it hasn't reached a level of maturity that will allow it to lead and guide the organization within shouting distance of its mission.

The following are statements that may be used to test board maturity. Check "Yes", "No" or "Gray Area" as the statement applies to your board. Then compare your answers to those of the rest of your board members.

	Yes	Gray Area	No
1) Our board meetings usually last less than two hours for monthly meetings or four hours for quarterly meetings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) All board members feel free to vote against the majority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) We discuss issues, not personalities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) We use good methods of conflict resolution when conflict occurs among board team members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) We focus on policy review and planning not management and staff matters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) We focus on long-range financial needs of the management not lists of bills.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) We have occasional planned social activities for the board team.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8) We have job descriptions for board members, executive director/administrator, committee member and advisory committees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9) Our board has all policies codified and assembled in a manual and each board member has a copy of the policy manual.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10) We have a policy for reviewing all board policies annually.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	Gray Area	No
11) We have a plan for recruiting quality board members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12) We have a plan for orienting new board members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13) Both board members and executive orient new board members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14) We have a policy and a plan for annually evaluating the executive/administrator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15) We have a policy and a plan for annually evaluating our own operations as a board team and as individual members of the team.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16) We have a board policy that explains board members conflict of interest and outlines how board members must handle conflict of interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17) Our board has a plan for maintaining good meeting attendance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18) We have a policy and plan for ongoing board development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19) The board budgets funds for board development expenses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20) We have a plan for board members to act as advocates for the organization—lobbying, public relations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21) Our board members actually act as advocates for the organization.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22) All board members understand their liability for the organization.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23) Our board understands the difference between management and governance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24) Our board is comfortable with delegating all management responsibility to the executive.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25) Our board conveys, in clear terms, what we expect from the executive/administrator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26) Our board considers the executive director an integral part of the board team and its decision-making process, no matter what the issue before the board.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27) We have an annual meeting calendar outlining board duties that occur annually.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	Gray Area	No
28) All board members understand the difference between a for-profit business and the unit of government we serve.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29) All board members know the history of the organization.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30) We have a mission statement and annually review our mission statement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31) We have a long-range plan and annually review the long-range plan.			

THE BOARD EVALUATES ITS MEETINGS

The outcome of any meeting depends heavily on the process. A well-organized and well-managed meeting produces good results. A disorganized meeting produces frustration and anger and does nothing for your organization.

Just as you pay careful attention to maintenance of your car so it will continue to get you where you want to go, you must also pay careful attention to the maintenance of your meeting process so it will get the board where it wants to go.

The following questions will help you assess your board or committee meeting process and suggest some ways to improve that process. All members of the board team - board members and executive - should complete the form individually and then discuss the results as a team.

Use the evaluation form several times per year and compare the results with previous evaluation results.

Circle the response that best describes your meetings:

- | | | | |
|---|-----|----|-----------|
| 1) Do meetings begin and end on time? | YES | NO | SOMETIMES |
| 2) Do meetings have a positive tone? | YES | NO | SOMETIMES |
| 3) Does the board chairperson lead the meetings? | YES | NO | SOMETIMES |
| 4) Does everyone come prepared? | YES | NO | SOMETIMES |
| 5) Do board members stick to the agenda? | YES | NO | SOMETIMES |
| 6) Does the board work for consensus? | YES | NO | SOMETIMES |
| 7) Do all members participate in discussions? | YES | NO | SOMETIMES |
| 8) Are meetings completed in less than two hours? | YES | NO | SOMETIMES |
| 9) Is the Admin/Executive encouraged to participate? | YES | NO | SOMETIMES |
| 10) Is the meeting room comfortable? | YES | NO | SOMETIMES |
| 11) Has the board agreed on a parliamentary resource such as Roberts Rules of Order? | YES | NO | SOMETIMES |
| 12) Does the board have enough information to make decisions about agenda items? | YES | NO | SOMETIMES |
| 13) Do at least 90-95% of the members attend? | YES | NO | SOMETIMES |
| 14) Does the agenda focus on policy issues rather than management issues? | YES | NO | SOMETIMES |
| 15) Are board members equal in the discussions and not dominated by one or two members? | YES | NO | SOMETIMES |

16) Do board committees demonstrate that they are working and producing results?	YES	NO	SOMETIMES
17) Is discussion cordial and does it avoid personal attack?	YES	NO	SOMETIMES
18) Do board members feel free to express even dissenting viewpoints?	YES	NO	SOMETIMES
19) Do board members leave the meeting still feeling like a team?	YES	NO	SOMETIMES
20) Do board members leave the meeting with a feeling of accomplishment?	YES	NO	SOMETIMES
21) Is the meeting room arranged so board members sit in a "team huddle" arrangement, not a "panel" arrangement?	YES	NO	SOMETIMES

Evaluation follow up:

You should have answered "YES" to all the questions above. If you circled any "NO" or "SOMETIMES" responses, list below the actions you will take to correct the problem so your meetings will run better and produce better results.

Our next meeting review will be _____.

ANNUAL BOARD EVALUATION

Every Board member should complete this form. Take plenty of time to consider your responses. Then hold a special board meeting to discuss the results.

KEY: Check “**Yes**” if the item is true all the time. Check “**Some**” if the item is at least partially true. Check “**No**” if the item is never true.

YES	SOME	NO		Policies
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Board activities are confined to policy issues rather than management issues.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		All management activities are delegated to the administrator.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The Board annually reviews important documents and policies.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Disciplinary action is taken when a board member misses three monthly meetings per year (un-excused)
YES	SOME	NO		Roles and Responsibilities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Each board member has a copy of his or her job description.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Board members understand their legal responsibilities.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Board members participate in securing funding for District programs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Board members are lobbyists.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Board members contribute extra time outside regular meetings.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Board members talk positively about the organization in public.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The board holds yearly self-evaluations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Committees meet only if they have work to do.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The full board approves the annual evaluation of the administrator.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Board needs are clearly communicated to the administrator.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Vacancies on the board are filled within two months.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The board has at least two candidates for each board member opening.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Board members are recruited for their knowledge, skills and clout.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		New board members are oriented before they attend their first meeting.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Officer terms are limited to a maximum of three consecutive terms.

YES	SOME	NO	Roles and Responsibilities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each board office and committee has a job description.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board members attend training/information meetings offered by Michigan Department of Agriculture, Michigan Association of Conservation Districts, or others.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conflicts between board members or board members and the administrator are confronted and quickly handled by the board chairperson.
YES	SOME	NO	Planning
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board activities focus on the mission statement.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The board adjusts the direction of the District programs to match community needs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The board makes a written long-range or strategic plan.
YES	SOME	NO	Meetings
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board meetings follow a system of parliamentary procedure.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board meetings stick to the agenda and are businesslike.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board meetings start on time and end on time.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board members arrive on time for meetings.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board meetings last two hours or less.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board members participate in discussions at board meetings.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board members absences from meetings are excused absences.
YES	SOME	NO	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board members visit the District office regularly.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The District has shown significant achievement under this board's leadership.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board members are satisfied with the overall operation of the board.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board members seek the office of board chairperson and other offices rather than being drafted.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Board members enjoy serving on this board.

Results:

All **Yes** - Next year you get to conduct the training session.

If you checked any **Some** or **No**, these checks point out areas your District Board may want to consider working on to improve the operation of your District Board and the programs you are delivering to the constituency of your District.

If you would like assistance in developing a program or strategy to improve the way your board operates, contact the Michigan Department of Agriculture – Environmental Stewardship Division, P.O. Box 30017, Lansing, MI 48909. Phone: 517/373-2620 FAX: 517/335-3329.

Committee Operations Analysis

A committee system that doesn't work is worse than no committee system at all. A board makes its committees work just as the board makes itself work- by paying careful attention and doing an annual formal evaluation of committee operation.

Committees should first meet some basic criteria to remain viable committees. They should be:

Accountable to the Board

Results Oriented

Subservient to the Board

Team Oriented

The following short analysis can be applied to most committees and will help you determine how well a committee meets the above criteria.

- | | | |
|---|-----|----|
| 1) The committee has a written job description from the full board. | YES | NO |
| 2) The committee reports regularly to the full board. | YES | NO |
| 3) When the committee makes recommendations to the board, a committee member is ready with a motion to accept the committee recommendation. | YES | NO |
| 4) Each committee meeting is organized around an agenda. | YES | NO |
| 5) Committee members have a copy of the committee meeting agenda several days prior to the committee meeting. | YES | NO |
| 6) Functions of this committee could not be accomplished as efficiently by a committee of the whole. | YES | NO |
| 7) The committee is chaired by a member of the board. | YES | NO |
| 8) The committee chairperson attempts to get all members of the committee involved. | YES | NO |
| 9) Committee reports are submitted in writing in time to be sent to board members with the board meeting agenda packet | YES | NO |
| 10) All board members understand that the only power/ authority the committee holds is that specifically granted by the full board. | YES | NO |
| 11) Committee meetings are conducted in the same orderly fashion as board meetings. | YES | NO |
| 12) The committee meets all deadlines set by the board. | YES | NO |
| 13) The committee makes great effort to look at all sides of issues it considers. | YES | NO |

14) Committee reports to the board reflect consensus of the committee members.	YES	NO
15) Committee members are chosen for high interest or expertise in the committee's area of responsibility.	YES	NO
16) The executive or a staff member delegated by the executive is a member of the committee.	YES	NO
17) Committee members are appointed by the board chairperson.	YES	NO
18) The committee chairperson is appointed by the board chairperson.	YES	NO
19) All committee members understand that final decisions rest with the full board.	YES	NO
20) Committee members are appointed or reappointed every year with attention to maintaining experience as well as bringing in new people.	YES	NO
21) Committee records are adequate to make committee operations flow smoothly from one year to the next even though the makeup of the committee changes.	YES	NO
22) The committee functions as a facilitator for the full board, not in place of the full board.	YES	NO
23) The committee (except the executive committee) recruits and utilizes skills of non board members.	YES	NO
24) All members of the committee attend 90% of the committee meetings.	YES	NO

Evaluation follow up:

You should have answered “**YES**” to all of the statements above. If you circled “**NO**” for any of the above statements, list the actions your board or committee will take to correct the problem so your committee operates as it should.

Appendix F

Overview of Farmland and Open Space Preservation Act (P.A. 116)

The Farmland and Open Space Preservation Act, more commonly known as P.A. 116 provides four programs for preserving agricultural and open space lands. This variety allows landowners to choose a program that best fits their needs. All four programs are voluntary and must be initiated by a landowner. Preservation occurs by placing either a temporary or permanent conservation easement on the land. The benefits a landowner would receive for voluntarily agreeing to restrict their land from development differs between programs. The four programs are as follows:

Temporary Conservation Easements:

1) Farmland Development Rights Agreements

- ◆ Term - 10 to 90 years
- ◆ Eligibility - 5 to 39 acre parcels must have at least 51% of the land in agricultural use or Conservation Reserve Program and must earn at least \$200 gross annual income per cleared and tillable acre.
 - 40 acre or larger parcels must only meet the 51% requirement
- ◆ Restrictions - the land may not be developed for any use other than agriculture
- ◆ Benefits to Landowner - Participants are eligible for a property tax credit claimed with their state income tax return and are exempt from certain special assessments.

2) Local Open Space Easements

- ◆ Term - 10 to 90 years
 - ◆ Eligibility - A parcel of any size, which in its present condition would conserve natural or scenic resources, including the promotion of the conservation of soils, wetlands, and beaches: the enhancement of recreation opportunities or the preservation of historic sites.
 - Idle potential farmland of not less than 40 acres that is substantially undeveloped and because of its soils, terrain, and location is capable of being to agricultural uses identified by the department of agriculture.
- * The only way that farmland can be enrolled under this program is if the local government's intent is to preserve the soils on the farmland.*
- ◆ Restrictions - The land may not be developed while subject to the easement.
 - ◆ Benefits to the Landowner - Participants receive a direct property tax bill deduction determined by reassessing the land with the development rights restricted and are exempt from certain special assessments. The local governing body would approve or deny a landowner's application for enrollment in this program and would be responsible for the property tax bill adjustment.

3) *Designated Open Space Easements*

- ◆ Term - 10 to 90 years
- ◆ Eligibility - Any undeveloped site included in a national registry of historic places or designated as a historic site pursuant to state or federal law
 - Riverfront property that is within ¼ mile of a state designated natural river under part 305 of PA 451.
 - Undeveloped lands designated as environmental areas under part 323.
- ◆ Restrictions - The land may not be developed while subject to the easement.
- ◆ Benefits to the Landowner - Participants receive a direct property tax bill deduction determined by reassessing the land with the development rights restricted and are exempt from certain special assessments. The State of Michigan would approve or deny a landowner's application for enrollment in this program and would be responsible to pay lost revenue to the local government caused by a landowner's benefit.

Permanent Conservation Easement:

4) *Purchase of Development Rights Easement*

- ◆ Term – Perpetuity
- ◆ Eligibility - A parcel of any size that has at least 51% of the nominated land devoted to an agricultural use and land that has been supported by the local governing body.
- ◆ Restrictions - The land may not be developed for any use other than agriculture.
- ◆ Benefits to the Landowner
 - Participants receive a cash payment equal to the appraised value of the development rights on the property (the state payment is currently (1999) restricted to a maximum cap of \$5000 per acre).
 - Land would be assessed at its agricultural value.
 - Landowners may receive inheritance tax reductions due to the participation in the permanent conservation easement (American Farmland and Ranch Protection Act).

For more information and current forms

To get more information and current forms for the Farmland and Open Space Preservation Program, contact:

Michigan Department of Agriculture
Environmental Stewardship Division
PO Box 30017, Lansing, MI 48909
517/373-3328 FX: 517/335-3131
www.michigan.gov/mda

Appendix G – Part One

SAMPLE “AT WILL” PERSONNEL POLICY

Table of Contents

1.00	General Information	2
2.00	Policy	2
3.00	Recruitment	2
4.00	Selection	2
5.00	Nepotism	2
6.00	Employer Responsibilities	3
7.00	Classification of Employment	3
8.00	Office Supervision	3
9.00	Conditions of Employment	3
10.00	Conservation District Leave Policies	4
11.00	Family Medical Leave	5
12.00	Sexual Harassment	6
13.00	Searches	6
14.00	Performance Evaluation	6
15.00	Grievance Procedure	6
16.00	Termination of Employment	7
17.00	Policy Adoption and Administration	7
	Signature page	8

1.00 General Information

This manual is only a guide to the Conservation District's current employment policies and to some of your benefits and responsibilities as an employee. It is information only and it is not intended to be, and should not be, construed as a contract.

The Conservation District from time to time reviews its policies, procedures and benefits and makes revisions, modifications and changes thereto based on the need for and desirability of such changes. Thus, any policy procedure or benefit outlined in this Manual may be modified, increased or decreased at any time. If you have any questions, any manager will be glad to help you.

2.00 Policy

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Conservation District employees is essential to assure the maintenance of confidence by citizens in _____ County. The confidence of citizens in _____ County is influenced not only by the manner in which employees serve the public, but also in the way they conduct themselves in the eyes of the public. The avoidance of misconduct and conflicts of interest on the part of the District employees through informed judgment is indispensable to the maintenance of these standards. In accord with these concepts, this personnel policy sets forth the rules and regulations for employees of the _____ Conservation District, prescribing standards of conduct and responsibilities and governing the reporting of employment and financial interests.

_____ Conservation District will make every effort to treat each employee fairly and with integrity. Nonetheless, employees sometime leave because of family considerations, changing career goals, or some other reason, which is personal in nature. Likewise, the Conservation District retains the right to enlarge, reduce, make changes in or terminate from the staff. Employment with the _____ Conservation District, therefore, is considered "AT WILL" permitting either part to end the employment relationship at their

discretion without cause. No one other than the Board of Directors has authority to enter into an agreement for employment with the Conservation District for a specified period of time or to make any agreement, which is contrary to this statement. Any such agreement made with the Conservation District Board must be in writing or it shall not be binding.

To implement these responsibilities, the Conservation District Board hereby adopts these Personnel Policies effective _____. These policies supersede all past policies and apply to all _____ Conservation District employees.

3.00 Recruitment

The _____ Conservation District recognizes its responsibilities for attracting and employing the most qualified and capable persons for carrying out the work of the Conservation District, without bias for race, age, religion, national origin, political or union affiliation, marital status, or sex. Physical or mental limitations will be considered only as they relate to the potential employee's ability to perform the job requirements.

It is further recognized that to attract and retain such persons, the Conservation District must maintain a competitive posture with regard to compensation of its employees, including fringe benefits, and must maintain operating policies and procedures which treat every employee with fair and equal consideration.

Employment and promotional opportunities shall be advertised in such a manner that the public is assured open opportunity to apply and to be properly considered for Conservation District employment, and so that present Conservation District employees may be knowledgeable of possible chances for advancement.

4.00 Selection

The qualifications of potential employees shall be compared to the written requirements for the position.

5.00 Nepotism

Hiring immediate family of Conservation District directors, Conservation District employees, or United States Department of Agriculture Natural Resources Conservation Service (NRCS) personnel assisting the Conservation District will be avoided to the extent possible.

“Immediate family” shall mean: children, spouse, siblings, siblings of spouse, parents, parents of spouse, grandparents and grandparents of spouse. The Conservation District board may grant exception in the case of a temporary position.

A director shall abstain from voting on the matters concerning the hiring of immediate family. These recommendations are not for the purpose of depriving any citizen of an equal chance for a Conservation District job. They are solely to eliminate the appearance of preferential treatment.

6.00 Employer Responsibilities

The Conservation District is responsible for the following:

Social Security/Medicare: by law the Conservation District is responsible to pay 50% of the Social Security and Medicare for each employee.

Workers Compensation Insurance: by law the Conservation District is responsible to carry workers compensation insurance on each employee. Workers compensation insurance covers the employee in the event of an injury to the employee while carrying out his or her duties for the District.

Withholding Taxes: by law the Conservation District is responsible for the payment of any and all withholding taxes to the appropriate governmental agency on behalf of the employee.

Unemployment Insurance: by law the Conservation District is responsible to pay the appropriate governmental agency the taxable rate of the gross wages for all employees.

Bonding: the Conservation District will provide bonding insurance for those employees who handle District funds.

7.00 Classification of Employment

Full-Time Employee: An employee who has been hired to fill a continuing position requiring a minimum of 40 hours per week of work and who has successfully completed a probationary period. The employee is entitled to all fringe benefits.

Part-Time Employee: An employee who has been hired to fill a continuing position requiring less than 40 hours per week on a regular and recurring schedule and who successfully completed a probationary period. The employee will be entitled to all fringe benefits on a pro-rated basis.

Temporary/Seasonal Employee: An employee who has been hired to fill a position of limited duration, serves no probationary period, is paid an hourly wage for the hours actually worked and receives no fringe benefits.

8.00 Office Supervision

The District Board members will be responsible for the general administrative supervision of their personnel. The District Board will designate a Conservation District representative to serve as a day to day supervisor/manager of District personnel. This Conservation District representative is the immediate contact person.

Administrative supervision by the Conservation District representative will include the following:

- A. Ensure District employees and those providing guidance or direction to them understand the district personnel policies.
- B. Develop job descriptions and ensure current duty requirements are the same.
- C. Establish a work schedule.
- D. Set priority of work.
- E. Determine training needs, see that training is provided and follow up to ensure performance is satisfactory.
- F. Review and evaluate performance.
- G. Commend exceptional work.
- H. Respond to employee grievances.

- I. Establish and maintain satisfactory working arrangements and conditions.
- J. Meet with the Board members to decide disciplinary actions if necessary.

Supervisory responsibility for a District employee by NRCS or any other Agency representative is not acceptable or legal.

9.00 Conditions of Employment

Work Hours: All part-time employees and temporary/seasonal employees shall be expected to work the hours set by the Board and/or Administrator.

All full-time employees are expected to work the equivalent of at least an 80-hour pay period, except for authorized absences. Normal working hours will be between 8:00 a.m. and 4:30 p.m. with individual schedules to be determined jointly by the employee and the office supervisor/manager. Lunch break consists of one-half hour (unpaid) per day. Two work breaks consisting of 15 minutes each are permitted each day and they are considered part of working time.

If for an unavoidable reason, the employee cannot report to work on time or finds it necessary to be absent on a particular day, the employee must immediately notify his/her office supervisor/manager by telephone prior to the beginning of the assigned shift or as soon as possible thereafter. Periods of tardiness and days of absence will be deducted from the time earned during a pay period, unless the employee requests and obtains approval to treat any absence as a day off with pay for annual, sick, or compensatory leave under the provisions of this policy.

Compensatory Time: The District will adhere to all State and Federal laws and guidelines concerning compensatory time and overtime.

Time Cards: The District will pay all employees on a bi-weekly basis. Pay shall be given to employees at the end of the work day on each payday, which shall be the Friday following the last day of the pay period. The employee and the supervisor/manager shall sign time cards.

Intentional failure to report accurate hourly time information on time sheets is grounds for immediate dismissal.

Dress Code: Office attire will consist of neat, casual wear with the goal of providing a professional appearance of Conservation District personnel. Field attire will consist of shirts, long pants, and hard-soled shoes that are consistent with carrying out fieldwork, yet neat in appearance.

Personal Grooming: Personal grooming, hygiene, and clothing reflect your attitude toward yourself and indicate to the public the expectation of level of service of the Conservation District. It is imperative all clothing be neat, clean, and appropriate for the duties of the individual.

Safety: Precautions will be observed at all times on the job. Conservation District employees are required to wear appropriate protective clothing or equipment for the type of work being performed. Shirts and long pants are to be worn in the field. The Conservation District will furnish hard hats and specialized protective equipment or clothing if required. The Conservation District shall be guided by the health and safety standards set forth by the applicable state and federal regulations.

Supplemental Employment: Supplemental employment is discouraged. The Conservation District Board will review requests for supplemental employment. If approved, such supplemental employment shall not interfere with the employee's District responsibilities or be viewed as a conflict of interest.

Solicitation: Solicitation and distribution of literature, catalogs, merchandise, etc. by employees is prohibited during scheduled work time and or in work areas. Similar activity is completely prohibited by non-employees in the building or on the grounds, as per policies of the USDA-NRCS.

Gifts: Employees shall not accept gifts, excessive entertainment or other favors from vendors attempting to or providing service or products to the Conservation District. This does not preclude the acceptance of gifts for

group use of a nominal amount (\$20.00 value) offered in the spirit of the season or in respect of friendship for group distribution or consumption.

Confidential Information: While performing duties at the Conservation District, employees may have access to information, which is confidential. No employee is permitted to reveal or discuss anywhere or at any time any information, which may be confidential.

Doing District Work at Home: Unless authorized by the employee's supervisor/manager or the District Board of Directors, no district work will be performed at home.

Travel: Employees shall receive reimbursement at the rate of _____ per mile for use of a personal vehicle while on District business, paid bi-weekly at the time pay checks are distributed. The rate per mile is subject to change as determined by the District Directors. Employees will receive mileage for attending board meetings or special meetings outside of normal duty hours. Travel expenses to special meetings outside of normal work hours must be pre-approved by the supervisor/manager or the District Board. All mileage must be documented.

Leave of Absence: Up to twenty (20) days of leave of absence without pay will be granted to an employee for any good and valid reason. This shall be at the discretion of the District Board. Annual leave, sick leave, and holiday leave benefits will not be earned during unpaid leave of absence.

10.00 Conservation District Leave Policies

Holidays: Holidays shall be paid corresponding to legal Federal holidays. Holiday pay for full-time employees is based on a regular 8-hour day. Part-time employees' holiday pay is pro-rated. Temporary/ seasonal employees are entitled to take the holidays, but they shall not be paid. All new full-time and part-time employees must work one full pay period before they are eligible for holiday pay.

Authorized Early Leave: In the event the NRCS State Office or the NRCS County Office authorizes early closing of the office due to the holiday season, inclement weather, or any other reason, only those employees scheduled for work will be credited for administrative leave. Full-time employees will receive the full-authorized amount of leave. Part-time employees will be pro-rated. Temporary/seasonal employees are entitled to leave, but shall not be paid.

Court Leave (Jury Duty): Employees selected for jury duty or as a witness on regular scheduled workdays shall serve with no loss of pay. The employee shall be compensated only for the difference between the employee's regular pay and the pay received for jury duty, which shall be reported on their time sheet.

Annual Leave: Annual leave will be earned as follows:

0 to 3 years employment:
4 hours per 80 hours worked
3 to 10 years' employment:
6 hours per 80 hours worked
10 to 15 years of employment:
7 hours per 80 hours worked
15 plus years of employment
8 hours per 80 hours worked

New full-time and part-time employees can begin to accumulate annual leave with the completion of their first full pay period. Part time employees will accumulate annual leave at a pro-rated basis.

Except for termination because of unsatisfactory performance or misconduct, accrued annual leave will be paid to the individual, at their present hour wage at the time of retirement. Employees will not be allowed to carry over _____ hours of annual leave at the end of a calendar year (December 31st).

Employee anniversary dates will be recorded for the purpose of determining an increase in annual leave per pay period.

Sick Leave: Full time employees shall accumulate sick leave at the rate of 4 hours per pay period. Part-time employees shall accumulate sick leave at a pro-rated basis. Temporary/seasonal employees earn no sick leave credits.

Sick leave credits will begin to accumulate with the completion of the first full pay period.

Sick leave is not personal leave. Sick leave may be used for illness, disability, or injury of the employee or immediate family, appointments with a doctor, dentist, or other professional medical practitioner, when exposure to a contagious disease may endanger the health of co-workers, or when there is a death in the immediate family (as described in section 5).

A doctor's statement may be required upon request from the employee's supervisor/manager or the District Board for continuous sick leave for more than three (3) days or a certificate from the Department of Health in the case of a contagious disease outbreak.

Sick leave will not be debited on holidays or scheduled annual leave.

Employees shall be allowed to carry over from year to year of continuous service any unused sick leave. At retirement, an employee will be paid at their current hourly rate for one-half of the maximum accumulation of _____ hours.

Funeral Leave: An employee is permitted to use sick leave when a death occurs in his or her immediate family. (As described in section 5.)

Full-time employees are allowed a maximum amount of five (5) consecutive days with pay for funeral leave. Part-time employees are allowed a pro-rated basis. Beyond 5 days, an employee will need to use accrued compensatory time or annual leave to collect compensation.

Maternity Leave: An employee must have worked a minimum period of one calendar year prior to childbirth before being eligible for maternity leave benefits. Full-time employees

will be allowed to accumulate annual and sick leave benefits for the first six- (6) weeks following childbirth. Part-time employees maternity leave benefits will be pro-rated for the same period. Temporary/seasonal employees receive no maternity leave benefits.

Accumulated annual, sick, and compensatory leave may be used for maternity leave. Maternity leave shall not exceed _____ calendar months after childbirth.

11.00 Family Medical Leave Act (FMLA)

The Conservation District shall adhere to all rules and regulations of the Family Medical Leave Act. Eligible employees are allowed up to 12 weeks leave for childbirth or adoption, care of a seriously ill parent, child or spouse or their own serious illness. Conservation Districts with 50 or more employees must adhere to the FMLA. All employees who have been employed by such a Conservation District for at least one year and who have worked at least 1,250 hours are eligible. Health care benefits continue while on FMLA medical leave. Employees are required to give 30 days notice for foreseeable leave due to medical treatment, childbirth or adoption.

Employees must use up any accrued compensatory time, sick leave, and annual leave first and in that order during the 12-week medical leave. Remaining leave will be without pay. Employees will be re-instated at the job position and pay scale concurrent to when leave started.

12.00 Sexual Harassment

_____ Conservation District is committed to providing a work environment where women and men can work together comfortably and productively, free from sexual harassment. Such behavior is illegal under both State and Federal law and will not be tolerated.

This policy applies to all phases of employment including: recruiting, testing, hiring, upgrading, promotion or demotion, transfer, layoff,

termination, rates of pay, benefits, and selection for training, travel, or District social events.

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones including written contact, verbal contact, physical contact, and visual contact. Offering benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations for or reclassifications in exchange for sexual favors is forbidden. Complaints shall be handled in compliance with the Grievance Procedure explained in this policy.

Any employee found to have violated this policy shall be subject to appropriate disciplinary action, including: warnings, reprimand, suspension or discharge, according to the findings of the complaint investigation.

Any employee bringing a sexual harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms of employment, or discriminated against or discharged because of the complaint. Complaints of such retaliation will be promptly investigated and punished.

13.00 Searches

The Conservation District personnel supervisor/manager reserves the right to search all areas of the District office, including desks, files, containers, storage rooms and items, outside grounds, lockers, district vehicles parked in the parking lot, computers and their contents. All information on the Conservation District computers is considered Conservation District property. The District personnel supervisor/manager may not search an employee's body, clothes, purse, wallet, or private file.

14.00 Performance Evaluations

The Conservation District Board will conduct a performance evaluation on new employees at the end of each month for the first three months of employment. Annual performance evaluations will be conducted on all employees to assess the employee's performance to determine whether the employee fully satisfies

requirements of the position held. Evaluations will be conducted on the employee's anniversary date, or at any time deemed necessary by the Board.

Evaluations will be based on performance standards set for each duty that is developed for a position. These standards will be stated in terms of quantity and quality and will be mutually agreed upon in advance by the employee and his/her designated supervisor.

The Conservation District personnel supervisor/manager and the Conservation District Board will conduct performance evaluations. A formal discussion with the supervisor/manager will take place prior to the meeting if requested by either the employee or the supervisor/manager.

Every employee will have the right to an appeals process to resolve grievances, concerns, complaints or decisions reached during an evaluation. Every attempt should be made to resolve differences at the lowest possible level on an informal basis. If such attempts fail, however, employees may pursue a formal procedure towards the resolution of such matters.

15.00 Grievance Procedure

Conservation District employees have a responsibility to serve the public with courtesy, integrity, and efficiency. The Conservation District and its Directors have a responsibility to protect employees from arbitrary and unfair treatment and to provide a means whereby grievances, appeals from adverse actions, and complaints of discrimination can be presented, heard, and adjudicated on their merits.

Every attempt should be made to resolve complaints and grievances at the lowest possible level on an informal basis. If such attempts fail, however, employees may pursue a formal procedure towards the resolution of such matters. The formal procedure is:

A. By conference between the employee, supervisor/manager, and the District Board as appropriate. If not settled in this manner, proceed to step B.

B. The aggrieved shall reduce the grievance to writing within 5 working days of the grievance and deliver it to the District supervisor/manager.

C. A conference will be held between the aggrieved and the District Board within 5 working days of the receipt of the written grievance.

D. Grievances must be taken up promptly and no grievance will be considered or discussed which is presented 15 days after such has happened.

E. The employee shall be advised as to his or her rights to an open meeting as provided by State law. If the meeting is to be closed, only those directly involved with the conference and others so designated shall be present.

After discussing the issue with the Conservation District Board, the supervisor/manager, and the employee, the Conservation District Board shall make its written recommendation for resolving the issue to the supervisor/manager and employee. The Conservation District Board's recommendation will be considered final.

16.00 Termination of Employment

The end of an employment relationship with the Conservation District will fall within one of the following categories:

A. Resignation: A voluntary termination freely made by the employee for any reason. The Conservation District must be given a two-week notice.

B. Mutual Agreement: Whereby both parties think it would be mutually beneficial to end the employment relationship. Under these circumstances, no termination notice period is set by the Conservation District, and a departure date is informally agreed upon within a reasonable time period.

C. Reduction in Force: Resulting from job elimination due to financial considerations, determined by the Conservation District. Any employee so affected will be given a three weeks notice period, which reasonable unpaid

time off during the notice period for job interviews.

D. Unsatisfactory Performance: Failure of an employee to meet performance standards, failure to complete tasks in a timely competent way, or failure to maintain an adequate work period.

E. Misconduct: Involving gross employee behavior on the job, refusal to do work reasonably expected, wrongful use or taking of Conservation District property, failure to comply with the personnel policy, or conviction of a felony.

Except for termination because of unsatisfactory performance or misconduct, all accrued leave will be paid to the individual. Payment for accumulated leave will not be paid to an employee if the probationary period is not fulfilled satisfactorily.

Before an employee leaves the Conservation District, a termination interview will be scheduled with the supervisor/manager, District chairman, and the employee. Its purpose will be as follows:

- a. Review employment record and reasons for leaving.
- b. Review employee benefits on termination.
- c. Return of Conservation District property, i.e. keys, name tags, etc.
- d. Delivery of final pay check.

If a full-time or part-time employee, who has been laid off, is re-hired within one year, the employee shall be entitled to reinstatement of previously accrued sick leave and credit for prior years of service in calculation of annual leave earning rates, if applicable.

17.00 Policy Adoption and Administration

The Conservation District Board is responsible for approval, implementation, and subsequent amendment of this policy. The Conservation District personnel and the supervisor/manager

shall review these policies and procedures annually and recommend to the Conservation District Board any amendments to them, and recommend actions.

SIGNATURE PAGE

I have read this Personnel Policy and understand all the information contained therein.

Employee: _____

Date: _____

Employer: _____

Conservation District Chairman or Personnel

Director: _____

Director: _____

Director: _____

Director: _____

Director: _____

Date: _____

Appendix G – Part Two

SAMPLE “JUST CAUSE” PERSONNEL POLICY

Table of Contents

1.00	General Information	2
2.00	Policy	2
3.00	Recruitment	2
4.00	Selection	2
5.00	Nepotism	2
6.00	Employer Responsibilities	3
7.00	Classification of Employment	3
8.00	Office Supervision	3
9.00	Conditions of Employment	3
10.00	Conservation District Leave Policies	3
11.00	Family Medical Leave	5
12.00	Sexual Harassment	5
13.00	Searches	5
14.00	Performance Evaluation	5
15.00	Grievance Procedure	6
16.00	Discipline	6
17.00	Progressive Discipline Procedure	6
18.00	Termination of Employment	7
19.00	Policy Adoption and Administration	7
	Signature page	8

1.00 General Information

This manual is only a guide to the Conservation District's current employment policies and to some of your benefits and responsibilities as an employee. It is information only and it is not intended to be, and should not be, construed as a contract.

The Conservation District from time to time reviews its policies, procedures and benefits and makes revisions, modifications and changes thereto based on the need for and desirability of such changes. Thus, any policy procedure or benefit outlined in this Manual may be modified, increased or decreased at any time. If you have any questions, any manager will be glad to help you.

2.00 Policy

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Conservation District employees is essential to assure the maintenance of confidence by citizens in (name) County. The confidence of citizens in (name) County is influenced not only by the manner in which employees serve the public, but in the way they conduct themselves in the eyes of the public. The avoidance of misconduct and conflicts of interest on the part of the District employees through informed judgment is indispensable to the maintenance of these standards. In accord with these concepts, this personnel policy sets forth the rules and regulations for employees of the (name) Conservation District, prescribing standards of conduct and responsibilities and governing the reporting of employment and financial interests.

(name) Conservation District will make every effort to treat each employee fairly and with integrity. Nonetheless, employees sometime leave because of family considerations, changing career goals, or some other reason, which is personal in nature. Likewise, the Conservation District retains the right to enlarge, reduce, make changes in or terminate staff for cause. No one other than the Board of Directors has authority to enter into an

agreement for employment with the Conservation District for a specified period of time or to make any agreement, which is contrary to this statement. Any such agreement made with the Conservation District Board must be in writing or it shall not be binding.

To implement these responsibilities, the Conservation District Board hereby adopts these Personnel Policies effective March 1st, 1998. These policies supersede all past policies and apply to all (name) Conservation District employees.

3.00 Recruitment

The (name) Conservation District recognizes its responsibilities for attracting and employing the most qualified and capable persons for carrying out the work of the Conservation District, without bias for race, age, religion, national origin, political or union affiliation, marital status, or sex. Physical or mental limitations will be considered only as they relate to the potential employee's ability to perform the job requirements.

It is further recognized that to attract and retain such persons, the Conservation District must maintain a competitive posture with regard to compensation of its employees, including fringe benefits, and must maintain operating policies and procedures which treat every employee with fair and equal consideration.

Employment and promotional opportunities shall be advertised in such a manner that the public is assured open opportunity to apply and to be properly considered for Conservation District employment, and so that present Conservation District employees may be knowledgeable of possible chances for advancement.

4.00 Selection

The qualifications of potential employees shall be compared to the written requirements for the position.

5.00 Nepotism

The hiring of immediate family of Conservation District directors, Conservation District employees, or United States Department of Agriculture Natural Resources Conservation Service (NRCS) personnel assisting the Conservation District will be avoided to the extent possible. "Immediate family" shall mean: children, spouse, siblings, siblings of spouse, parents, parents of spouse, grandparents and grandparents of spouse. Exception in the case of a temporary position may be granted by the Conservation District board.

A director shall abstain from voting on the matters concerning the hiring of immediate family. These recommendations are not for the purpose of depriving any citizen of an equal chance for a Conservation District job. They are solely to eliminate the appearance of preferential treatment.

6.00 Employer Responsibilities

The Conservation District is responsible for the following:

Social Security/Medicare: by law the Conservation District is responsible to pay 50% of the Social Security and Medicare for each employee.

Workers Compensation Insurance: by law the Conservation District is responsible to carry workers compensation insurance on each employee. Workers compensation insurance covers the employee in the event of an injury to the employee while carrying out his or her duties for the District.

Withholding Taxes: by law the Conservation District is responsible for the payment of any and all withholding taxes to the appropriate governmental agency on behalf of the employee.

Unemployment Insurance: by law the Conservation District is responsible to pay the appropriate governmental agency the taxable rate of the gross wages for all employees.

Bonding: bonding insurance will be provided by the Conservation District for those employees who handle District funds.

7.00 Classification of Employment

Full-Time Employee: An employee who has been hired to fill a continuing position requiring a minimum of 40 hours per week of work and who has successfully completed a probationary period. The employee is entitled to all fringe benefits.

Part-Time Employee: An employee who has been hired to fill a continuing position requiring less than 40 hours per week on a regular and recurring schedule and who successfully completed a probationary period. The employee will be entitled to all fringe benefits on a pro-rated basis.

Temporary/Seasonal Employee: An employee who has been hired to fill a position of limited duration, serves no probationary period, is paid an hourly wage for the hours actually worked and receives no fringe benefits.

8.00 Office Supervision

The District Board members will be responsible for the general administrative supervision of their personnel. The District Board will designate a Conservation District representative to serve as a day to day supervisor/manager of District personnel. This Conservation District representative is the immediate contact person.

Administrative supervision by the Conservation District representative will include the following:

- A. Ensure District employees and those providing guidance or direction to them understand the district personnel policies.
- B. Develop job descriptions and ensure current duty requirements are the same.
- C. Establish a work schedule.

- D. Set priority of work.
- E. Determine training needs, see that training is provided and follow up to ensure performance is satisfactory.
- F. Review and evaluate performance.
- G. Commend exceptional work.
- H. Respond to employee grievances.
- I. Establish and maintain satisfactory working arrangements and conditions.
- J. Meet with the Board members to decide disciplinary actions if necessary.

Supervisory responsibility for a District employee by NRCS or any other Agency representative is not acceptable or legal.

9.00 Conditions of Employment

Work Hours: All part-time employees and temporary/seasonal employees shall be expected to work the hours set by the Board and/ or Administrator.

All full-time employees are expected to work the equivalent of at least an 80 hour pay period, except for authorized absences. Normal working hours will be between 8:00 a.m. and 4:30 p.m. with individual schedules to be determined jointly by the employee and the office supervisor/manager. Lunch break consists of one-half hour (unpaid) per day. Two work breaks consisting of 15 minutes each are permitted each day and they are considered part of working time.

If for an unavoidable reason, the employee cannot report to work on time or finds it necessary to be absent on a particular day, the employee must immediately notify his/her office supervisor/manager by telephone prior to the beginning of the assigned shift or as soon as possible thereafter. Periods of tardiness and days of absence will be unpaid, unless the employee requests and obtains approval to treat any absence as a day off with pay for

annual, sick, or compensatory leave under the provisions of this policy.

Compensatory Time: The District will adhere to all State and Federal laws and guidelines concerning compensatory time and overtime.

Time Cards: The District will pay all employees on a bi-weekly basis. Pay shall be given to employees at the end of the work day on each pay day, which shall be the Friday following the last day of the pay period. Time cards shall be signed by the employee and the supervisor/manager. Intentional failure to report accurate hourly time information on time sheets is grounds for immediate dismissal.

Dress Code: Office attire will consist of neat, casual wear with the goal of providing a professional appearance of Conservation District personnel. Field attire will consist of shirts, long pants, and hard soled shoes that are consistent with carrying out field work, yet neat in appearance.

Personal Grooming: Personal grooming, hygiene, and clothing reflect your attitude toward yourself and indicate to the public the expectation of level of service of the Conservation District. It is imperative all clothing be neat, clean, and appropriate for the duties of the individual.

Safety: Precautions will be observed at all times on the job. Conservation District employees are required to wear appropriate protective clothing or equipment for the type of work being performed. Shirts and long pants are to be worn in the field. Hard hats and specialized protective equipment or clothing will be furnished by the Conservation District if required. The Conservation District shall be guided by the health and safety standards set forth by the applicable state and federal regulations.

Supplemental Employment: Supplemental employment is discouraged. Requests for supplemental employment will be reviewed by the Conservation District Board. If approved, such supplemental employment shall not interfere with the employee's District

responsibilities or be viewed as a conflict of interest.

Solicitation: Solicitation and distribution of literature, catalogs, merchandise, etc. by employees is prohibited during scheduled work time and or in work areas. Similar activity is completely prohibited by non-employees in the building or on the grounds, as per policies of the USDA-NRCS.

Gifts: Employees shall not accept gifts, excessive entertainment or other favors from vendors attempting to or providing service or products to the Conservation District. This does not preclude the acceptance of gifts for group use of a nominal amount (\$20.00 value) offered in the spirit of the season or in respect of friendship for group distribution or consumption.

Confidential Information: While performing duties at the Conservation District, employees may have access to information, which is confidential. No employee is permitted to reveal or discuss anywhere or at any time any information, which may be confidential.

Doing District Work at Home: Unless authorized by the employee's supervisor/manager or the District Board of Directors, no district work will be performed at home.

Travel: Employees shall receive reimbursement at the rate of _____ per mile for use of a personal vehicle while on District business, paid bi-weekly at the time pay checks are distributed. The rate per mile is subject to change as determined by the District Directors. Employees will receive mileage for attending board meetings or special meetings outside of normal duty hours. Travel expenses to special meetings outside of normal work hours must be preapproved by the supervisor/manager or the District Board. All mileage must be documented.

Leave of Absence: Up to twenty (20) days of leave of absence without pay will be granted to an employee for any good and valid reason. This shall be at the discretion of the District Board. Annual leave, sick leave, and holiday

leave benefits will not be earned during unpaid leave of absence.

10.00 Conservation District Leave Policies

Holidays: Holidays shall be paid corresponding to legal Federal holidays. Holiday pay for fulltime employees is based on a regular 8 hour day. Part-time employees' holiday pay is prorated. Temporary/ seasonal employees are entitled to take the holidays, but they shall not be paid. All new full-time and part-time employees must work one full pay period before they are eligible for holiday pay.

Authorized Early Leave: In the event the NRCS State Office or the NRCS County Office authorizes early closing of the office due to the holiday season, inclement weather, or any other reason, only those employees scheduled for work will be credited for administrative leave. Full-time employees will receive the full authorized amount of leave. Part-time employees will be pro-rated. Temporary/seasonal employees are entitled to leave, but shall not be paid.

Court Leave (Jury Duty): Employees selected for jury duty on regular scheduled work days shall serve with no loss of pay. The employee shall be compensated only for the difference between the employee's regular pay and the pay received for jury duty, which shall be reported on their time sheet.

Annual Leave: Annual leave will be earned as follows:

0 to 3 years employment: 4 hours per 80 hours worked

3 to 10 years employment: 6 hours per 80 hours worked

10 to 15 years of employment: 7 hours per 80 hours worked

15 plus years of employment 8 hours per 80 hours worked.

New full-time and part-time employees can begin to accumulate annual leave with the completion of their first full pay period. Part

time employees will accumulate annual leave at a pro-rated basis.

Except for termination because of unsatisfactory performance or misconduct, accrued annual leave will be paid to the individual, at their present hour wage at the time of retirement. Employees will not be allowed to carry over _____ hours of annual leave at the end of a calendar year (December 31st).

Employee anniversary dates will be recorded for the purpose of determining an increase in annual leave per pay period.

Sick Leave: Full time employees shall accumulate sick leave at the rate of 4 hours per pay period. Part-time employees shall accumulate sick leave at a pro-rated basis. Temporary/seasonal employees earn no sick leave credits. Sick leave credits will begin to accumulate with the completion of the first full pay period.

Sick leave is not personal leave. Sick leave may be used for illness, disability, or injury of the employee or immediate family, appointments with a doctor, dentist, or other professional medical practitioner, when exposure to a contagious disease may endanger the health of coworkers, or when there is a death in the immediate family (as described in section 5).

A doctor's statement may be required upon request from the employee's supervisor/manager or the District Board for continuous sick leave for more than three (3) days or a certificate from the Department of Health in the case of a contagious disease outbreak.

Sick leave will not be debited on holidays or scheduled annual leave.

Employees shall be allowed to carry over from year to year any unused sick leave. At retirement, an employee will be paid at their current hourly rate for one-half of the maximum accumulation of _____ hours.

Funeral Leave: An employee is permitted to use sick leave when a death occurs in his or her immediate family. (As described in section 5.) Full-time employees are allowed a maximum amount of five (5) consecutive days with pay for funeral leave. Part-time employees are allowed a pro-rated basis. Beyond 5 days, an employee will need to use accrued compensatory time or annual leave to collect compensation.

Maternity Leave: An employee must have worked a minimum period of one calendar year prior to childbirth before being eligible for maternity leave benefits. Full-time employees will be allowed to accumulate annual and sick leave benefits for the first six (6) weeks following childbirth. Part-time employees maternity leave benefits will be pro-rated for the same period. Temporary/seasonal employees receive no maternity leave benefits. Accumulated annual, sick, and compensatory leave may be used for maternity leave. Maternity leave shall not exceed _____ calendar months after childbirth.

11.0 Family Medical Leave Act (FMLA)

The Conservation District shall adhere to all rules and regulations of the Family Medical Leave Act. Eligible employees are allowed up to 12 weeks leave for childbirth or adoption, care of a seriously ill parent, child or spouse or their own serious illness. Conservation Districts with 50 or more employees must adhere to the FMLA. All employees who have been employed by such a Conservation District for at least one year and who have worked at least 1,250 hours are eligible. Health care benefits continue while on FMLA medical leave. Employees are required to give 30 days notice for foreseeable leave due to medical treatment, childbirth or adoption.

Employees must use up any accrued compensatory time, sick leave, and annual leave first and in that order during the 12-week medical leave. Remaining leave will be without pay. Employees will be re-instated at the job position and pay scale concurrent to when leave started.

12.00 Sexual Harassment

(name) Conservation District is committed to providing a work environment where women and men can work together comfortably and productively, free from sexual harassment. Such behavior is illegal under both State and Federal law and will not be tolerated. This policy applies to all phases of employment including: recruiting, testing, hiring, upgrading, promotion or demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training, travel, or District social events.

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones including: written contact, verbal contact, physical contact, and visual contact. Offering benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations for or reclassifications in exchange for sexual favors is forbidden. Complaints shall be handled in compliance with the Grievance Procedure explained in this policy.

Any employee found to have violated this policy shall be subject to appropriate disciplinary action, including: warnings, reprimand, suspension or discharge, according to the findings of the complaint investigation.

Any employee bringing a sexual harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms of employment, or discriminated against or discharged because of the complaint. Complaints of such retaliation will be promptly investigated with appropriate action being taken.

13.00 Searches

The Conservation District personnel supervisor/manager reserves the right to search all areas of the District office, including desks, files, containers, storage rooms and items, outside grounds, lockers, District vehicles parked in the parking lot, computers and their contents. All information on the Conservation District computers is considered Conservation District property. The District personnel

supervisor/manager may not search an employee's body, clothes, purse, wallet, or private file.

14.00 Performance Evaluations

The Conservation District Board will conduct a performance evaluation on new employees at the end of each month for the first three months of employment. Annual performance evaluations will be conducted on all employees to assess the employee's performance to determine whether the employee fully satisfies requirements of the position held.

Evaluations will be conducted on the employee's anniversary date, or at any time deemed necessary by the Board. Evaluations will be based on performance standards set for each duty that is developed for a position. These standards will be stated in terms of quantity and quality and will be discussed in advance by the employee and his/her designated supervisor.

Performance evaluations will be conducted by the Conservation District personnel supervisor/manager and the Conservation District Board. A formal discussion with the supervisor/manager will take place prior to the meeting if requested by either the employee or the supervisor/manager.

Every employee will have the right to an appeals process to resolve grievances, concerns, complaints or decisions reached during an evaluation. Every attempt should be made to resolve differences at the lowest possible level on an informal basis. If such attempts fail, however, employees may pursue a formal procedure towards the resolution of such matters.

15.00 Grievance Procedure

Conservation District employees have a responsibility to serve the public with courtesy, integrity, and efficiency. The Conservation District and its Directors have a responsibility to protect employees from arbitrary and unfair treatment and to provide a means whereby

grievances, appeals from adverse actions, and complaints of discrimination can be presented, heard, and adjudicated on their merits.

Every attempt should be made to resolve complaints and grievances at the lowest possible level on an informal basis. If such attempts fail, however, employees may pursue a formal procedure towards the resolution of such matters. The formal procedure is:

A. By conference between the employee, supervisor/manager, and the District Board as appropriate. If not settled in this manner, proceed to step B.

B. The aggrieved shall reduce the grievance to writing within 5 working days of the grievance and deliver it to the District supervisor/manager.

C. A conference will be held between the aggrieved and the District Board within 5 working days of the receipt of the written grievance.

D. Grievances must be taken up promptly and no grievance will be considered or discussed which is presented 15 days after such has happened.

E. The employee shall be advised as to his or her rights to an open meeting as provided by State law. If the meeting is to be closed, only those directly involved with the conference and others so designated shall be present.

F. After discussing the issue with the Conservation District Board, the supervisor/manager, and the employee, the Conservation District Board shall make its written decision for resolving the issue to the supervisor/manager and employee. The Conservation District Board's decision will be considered final.

16.00 Discipline

Discipline is intended to be of a positive and developmental nature rather than a punishing procedure. Discipline and/or dismissal will be determined by the supervisor/manager and the Conservation District Board of Directors with

consultation by both parties. Discipline up to and including dismissal will be considered for any of the following reasons. The following list is not to be considered an exhaustive list and other reasons as determined by the Board could result in discipline.

A. Breaking work rules, including refusal to carry out directions of the supervisor/manager and lack of cooperation on the job.

B. Unacceptable work performance or personal behavior on the job, including: theft of any kind, abuse of equipment, unsafe work practices, falsification of records or time sheets, use of alcohol, use of drugs, vulgar or abusive language, possession of a weapon at the work place, being dishonest, engaging in criminal activity, behaving violently at work, gambling, and disclosing confidential information to outsiders.

C. One or more days absence without acceptable excuse or repeated tardiness (3 times).

D. Discipline and/or dismissal will be determined on a case by case basis.

17.00 Progressive Discipline Procedure

Discipline should be progressive in nature. Progressive discipline is defined as a sequence of disciplinary actions, from less to more serious, designed to correct employee misconduct or performance problems. It should be corrective in nature. The corrective approach makes subsequent offenses subject to increasingly severe penalties so as to discourage any further violations of a similar nature.

A. Informal Counseling:

Informal counseling is a discussion between the supervisor/manager and employee. It should be used to prevent minor problems from growing into major ones. Mentioning of future discipline should be avoided. No record shall be entered into the employee's file.

B. Formal Counseling:

Formal counseling takes place if informal counseling fails or other infractions occur. Formal counseling need not be preceded by informal counseling, but supervisor/managers are encouraged to use it if the problem can be addressed in that manner. A copy of the formal counseling memorandum will be included in the employee's personnel file. Upon the employee's request, it will be removed after one year. Formal counseling is in written form and includes:

1. Identification of the general nature of the problem.
2. Identification of the specific problem(s) and give examples. It is also desirable to give specific dates and where the problem(s) took place.
3. Instruction of how the employee can improve performance.
4. Determine with the employee what the District supervisor/manager can do to assist the employee.
5. Establish a time frame for improvement.
6. State that future action will be taken if the problem(s) continue.
7. Signatures of the employee and the supervisor/manager, or a witness's signature if the employee refuses to sign and date the document.

C. Suspension:

1. Disciplinary Conference: When an employee is to be formally charged with violation of an obligation, rule, regulation or policy which may result in a suspension or dismissal, a disciplinary conference shall be scheduled and the employee notified of the claimed violation. The failure of the employee to attend the disciplinary conference waives the right to such conference. Emergency suspensions do not require a disciplinary conference.

2. Discipline: Discipline shall normally be carried out in the following manner:

First offense: 1 day suspension without pay.

Second offense: 3 days suspension without pay.

Third offense: Termination of employment.

An employee may be discharged once it is demonstrated that he or she has failed to respond to progressive discipline, or when the violation is serious enough to warrant immediate dismissal. Though supervisors/managers are encouraged to use the least severe discipline necessary to correct the situation, progressive discipline may be started at other than the first step for more serious infractions.

18.00 Termination of Employment

The end of an employment relationship with the Conservation District will fall within one of the following categories:

A. Resignation: A voluntary termination freely made by the employee for any reason. The Conservation District must be given a two week notice.

B. Mutual Agreement: Whereby both parties think it would be mutually beneficial to end the employment relationship. Under these circumstances, no termination notice period is set by the Conservation District, and a departure date is informally agreed upon within a reasonable time period.

C. Reduction in Force: Resulting from job elimination due to financial considerations, determined by the Conservation District. Any employee so affected will be given a three weeks notice period, which reasonable unpaid time off during the notice period for job interviews.

D. Unsatisfactory Performance: Failure of an employee to meet performance standards, failure to complete tasks in a timely competent

way, or failure to maintain an adequate work period.

E. Misconduct: Involving gross employee behavior on the job, refusal to do work reasonably expected, wrongful use or taking of Conservation District property, failure to comply with the personnel policy, or conviction of a felony.

Except for termination because of unsatisfactory performance or misconduct, all accrued leave will be paid to the individual. Payment for accumulated leave will not be paid to an employee if the probationary period is not fulfilled satisfactorily.

Before an employee leaves the Conservation District, a termination interview will be scheduled with the supervisor/manager, District chairman, and the employee. Its purpose will be as follows:

- a. Review employment record and reasons for leaving.
- b. Review employee benefits on termination.
- c. Return of Conservation District property, i.e. keys, name tags, etc.
- d. Delivery of final pay check.

If a full-time or part-time employee, who has been laid off, is re-hired within one year, the employee shall be entitled to reinstatement of previously accrued sick leave and credit for prior years of service in calculation of annual leave earning rates, if applicable.

19.00 Policy Adoption and Administration

The Conservation District Board is responsible for approval, implementation, and subsequent amendment of this policy. The Conservation District personnel and the supervisor/manager shall review these policies and procedures annually and recommend to the Conservation District Board any amendments to them, and recommend actions.

SIGNATURE PAGE

I have read this Personnel Policy and understand all the information contained therein.

Employee: _____

Date: _____

Employer: (name) Conservation District

**Chairman or
Personnel Director:** _____

Director: _____

Director: _____

Director: _____

Director: _____

Date: _____

Appendix H

Sample Board Meeting Agenda

Wolverine Conservation District
PO Box 272
Somewhere, MI 41023

Regular Board Meeting
Tuesday, May 18, 1993 7:30 p.m.
Board Room

AGENDA

7:30 <u>Opening of meeting</u>	<u>Purpose</u>
A. Call to Order B. Determination of quorum C. Recognition of visitors to the meeting D. Approval of agenda and requested changes to consent agenda	Action
7:40 <u>Open forum</u>	Information
Audience note: If you desire to speak to the board, please read and complete the open forum sheet provided at the sign-in table and give it to the Board Secretary.	
7:55 <u>Consent agenda</u>	Action
A. Approval of minutes B. Board retreat site C. Public notices D. Approval - Affirmative Action Policies and Procedures E. Financial statements F. Use of facilities & equipment G. Bid: New phone system H. Personnel travel requests I. Board travel requests J. Contracts with other agencies K. Application/Amendment for funding	
Detailed information on all consent agenda items is included in this meeting packet. If you have any questions about consent agenda items or any agenda items as you prepare for the meeting, please call the office.	
8:00 Wolverine County Envirothon report	Information
8:10 Growth Plan update	Discussion
8:20 Disclosure Statement	Action
8:25 Approved list of evaluators	Discussion

	<u>Purpose</u>
8:30 Riverbank Restoration Project update	Action
8:40 Declaration of Tax Exempt Obligation	Action
8:45 Audit report	Action
9:00 What's happening in Wolverine Co.	Information
9:15 Board development	Discussion
9:30 Adjournment	

To Speak to the District Board During the Forum

Sample Form

The Wolverine Board welcomes you to this meeting. We conduct our meetings in strict compliance with the state open meetings law. That law requires that our board meetings be open for public observation, but it does not require that the public be allowed to participate in the meetings. However, we value the ideas and insights of our constituents and therefore, it is the policy of this board to allow 15 minutes of each meeting for a forum. If you wish to speak to this board during the forum section of our agenda, please complete the form on the bottom of this paper and hand it to one of the board members before the meeting. Only persons who have completed the form and given it to a board member prior to the convening of the meeting will be allowed to speak.

When the board reaches the "forum" section of the agenda, the board president will divide the 15-minute segment by the number of persons who have requested to speak to the board to determine the amount of time allocated to each person. The board president will then call on those people one at a time to stand and address the board for no more than the allocated time.

You should not expect the board to respond at this meeting to your questions or requests for information or requests for action. The board will note your request and respond at a later appropriate time after board members have an opportunity to consider and deliberate about the request.

At other times during this meeting as the board deliberates, board members may wish to ask for information from persons in the audience, but please refrain from comment unless the board asks you to comment. Board members are always anxious to hear from constituents outside the meeting, but our meeting agenda is usually full and does not allow us time for a continuous open forum.

Thanks for helping us conduct an open and orderly meeting.

Request to speak to the ABC Board during the forum...

This form must be completed and handed to a board member before the meeting if you wish to speak to the Wolverine Board during the "forum" section of the meeting agenda. The forum will be conducted according to the format explained above.

Your name:

Group/organization you represent, if any:

Subject about which you will speak

Appendix I

Parliamentary Procedures – The Basics

To Do This: (1)	You Say This:	May You Interrupt Speaker?	Must You Be Seconded?	Is The Motion Debatable?	Is The Motion Amendable ?	What Vote is Required?
Adjourn the meeting	"I move that we adjourn."	No	Yes	No	No	Majority Vote
Recess the meeting	"I move that we recess until..."	No	Yes	No	Yes	Majority Vote
Complain about noise, room temp., etc.	"Point of privilege."	Yes	No	No(2)	No	No Vote Required (3)
Suspend further consideration of something	"I move we table it."	No	Yes	No	No	Majority vote
End debate	"I move the previous question."	No	Yes	Yes	Yes	Two-thirds vote
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Two-thirds vote
Have something studied further	"I move we refer this matter to a committee."	No	Yes	Yes	Yes	Majority vote
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority vote
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority vote

To Do This: (4)	You Say This:	May You Interrupt Speaker?	Must You Be Seconded	Is The Motion Debatable	Is The Motion Amendable ?	What Vote is Required?
Object to procedure or to a personal affront	"Point of Order."	Yes	No	No	No	No vote required, chair decides
Request information	"Point of information."	If urgent, may interrupt speaker	No	No	No	No vote required No vote is
Ask for vote by actual count to verify voice vote	"I call for a division of the house."	No(5)	No	No	No	Required unless someone objects (6)
Object to considering some undiplomatic or improper matter	"I object to consideration of this question."	Yes	No	No	No	Two-thirds vote
Take up a matter previously tabled	"I move we take from the table..."	No	Yes	No	No	Majority vote
Reconsider something already disposed of	"I move we suspend the rules and consider..."	No	Yes	Debatable if original motion is debatable	No	Majority vote
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	Two-thirds vote
Vote on a ruling by the chair	"I appeal the chair's decision."	Yes	Yes	Yes	No	Majority in negative required to reverse chair's decision

- (1) The motions or points above are listed in established order or precedence. When any one of them is pending, you may not introduce another that's listed below it, but you may introduce another that's listed above it.
- (2) In this case, any resulting motion is debatable.
- (3) Chair decides.
- (4) The motions, points, and proposals listed above have no established order or precedence. Any of them may be introduced at any time except when the meeting is considering one of the top three matters listed in opposite chart (motion to adjourn, motion to recess, point of privilege).
- (5) But division must be called for before another motion is started.
- (6) Then majority vote is required.